

THE DONALD W. REYNOLDS



NATIONAL CENTER FOR COURTS AND MEDIA

IN THE NATIONAL JUDICIAL COLLEGE

TOOLS FOR JUDGES AND COURT PERSONNEL TO DEAL WITH THE MEDIA



©2001 The New Yorker Collection from cartoonbank.com. All Rights Reserved.

TOOLS FOR JUDGES AND COURT PERSONNEL TO DEAL WITH THE MEDIA

TABLE OF CONTENTS

WHEN THE MEDIA CALLS -- APPROPRIATE RESPONSES	1
That Unpredictable Beast Called The Media.....	1
What a Reporter Concludes is News	6
Interviewing for Success.....	7
Ten Tips on Dealing with the Media	10
Some General Guidelines for Media Interviews.....	12
Handling the Ambush Interview	13
Special Suggestions for the Televised Interview	14
Talking to Reporters: A Glossary of Terms.....	15
Preparing for a Media Interview – A Checklist for Judges	16
Tips for Crisis Communications (How to Avoid the Panic Button).....	19
Canon 3B(9) of the ABA Model Code of Judicial Conduct.....	20
Society of Professional Journalists – Code of Ethics	21
Exposure Draft States and Electronic Access to Court Records	24
Media Issues for Judges to Consider in Noteworthy Trials.....	36
Unofficial Judicial Checklists When Dealing with Media Issues During a Trial.....	37
Dealing With the Media.....	40
20 Commandments of Media Relations.....	44
PUBLIC OUTREACH – AFFIRMATIVELY INVOLVING THE MEDIA	44
The Quick Solution	45
Approach the Media with the Right Perspective	46
What is News, Anyhow?	47
How Best to Reach the Media?.....	48
When You Want to Get Information Out	52
Sample Media Advisory	53
Sample Press Release.....	54
Checklist	56
Bill of Rights Legal Technicalities	57
Bill of Rights Legal Technicalities -- Constitution of the United States	58

These materials are part of the course book used by the National Center for Courts and the Media for judges and court personnel who interact with the news media. Some of the materials herein have been adapted from submissions by court public information officers from across the country. Hence, some of the suggestions for dealing with the media may appear to be duplicative, but are written in different ways that may help the reader better understand the approaches.

WHEN THE MEDIA CALLS -- APPROPRIATE RESPONSES

That Unpredictable Beast Called The Media

By Gary A. Hengstler

One of the more interesting and challenging aspects of the practice of law today is the increased likelihood that during your career you will encounter a circumstance that draws the attention of the press. Granted, this is not the kind of situation you will face every day or even on a weekly basis. Still, when that case arises, you should be prepared to deal with the media.

Particularly since the advent of television, people increasingly have discovered the law. You see it in the proliferation of novels written with a legal setting. The success of Grisham and Turow has prompted many more lawyers to try their luck at writing legal mysteries. And how many television dramas feature lawyers or legal plots?

The nightly news and the morning newspaper, more likely than not, will include stories about some high profile court case or newsworthy business transaction in which lawyers are the key sources. They, in turn, provide the grist for the multitude of talk shows now available on the cable channels. In fact, lawyers increasingly are sought out for these panel shows.

That's because we remain fascinated by the human condition. We have difficulty passing an automobile accident without glancing over to see how serious it is because we are drawn to human conflict and the problems people encounter. Curiosity is a fact of life

Nothing provides factual details of human drama like a court case. So while the number of times a reporter will call you may be limited, when you get that call or are stopped at the courthouse, it is in your best interest, and that of your client, to know how to respond.

That dealing with the press is unfamiliar territory for most attorneys is evident in the experiences related by the lawyers contacted for a book I wrote. All expressed reservations about discussing it, and it is the subject about which they said least, if they commented at all.

“Some observations from the author”

Some lawyers have always known the value of the press, particularly in attracting clients. In the days before prohibitions against lawyer advertising in the United States was struck down, lawyers' only hope of the public reading about them was in the news columns. One veteran legal affairs journalist told me that when he worked for a major metropolitan newspaper, the going rate was \$100 for the reporter who included the lawyer's name in the story.

There are similarities between lawyers and journalists in their approach to their respective jobs. Both the lawyer and the journalist invest part of their work duties in research — digging

out the operative facts, interviewing people and library study. In the article, the reporter is trying to tell a true and full story. The story may be about what happened or what needs to be done. In a brief, the lawyer also tells a story and argues what result should be reached. Through experience in interviewing people, both have become skillful at reading people and sorting out the truth. Both the lawyer and the journalist have chosen careers often held up to public ridicule, if not outright contempt. Both are firmly convinced that their efforts are vital in sustaining the American way of life, that they are performing critical services for a greater good. Finally, both the journalist and the lawyer have significant power to affect people, though in different ways.

Many lawyers, however, have a deep skepticism of the press because of two things. First, it is easy to spot errors in print or broadcast, and we all take a dim view of sloppiness wherever we find it. I have often told young reporters that you can be totally accurate on the most complex story, but if you misspell a name in an obituary, you have angered an entire family and cemented their view of your ability for life.

It is a human tendency to focus on shortcomings. Take a group into a bare room and show them a white wall with a black dot. Ask them what they see, and most, if not all, will ignore the wall and focus on the dot.

Particularly in an occupation under such a time crunch as newsgathering, mistakes are going to happen. Lawyers have to get past that and not let mistakes color their view of an entire profession. After all, a significant segment of the public tends to cast a jaundiced eye on lawyers because of the errors or misdeeds of a few. We don't like it; neither do journalists.

Second, lawyers tend to see the media as primarily a profit-making business and less as a public service. The working journalist reverses those priorities. To understand where a journalist is coming from, you have to appreciate the reverence the typical journalist has for the First Amendment and the role of the press in making America work.

They see their job as keeping a citizen democracy informed every bit as vital as lawyers view their roles in representing clients in the judicial system. Whereas many lawyers think journalists view the First Amendment as the media's right to print or broadcast, the journalists see it as the public's right to know, for whom they are the conduits.

They don't take kindly to those who interpret their efforts as "wanting only to sell papers." Most journalists are too idealistic to think in such bottom-line terms. They often have a mild form of contempt for those whose chief priority is making money, so suggesting that they are profit-motivated is like waving a red flag in front of the proverbial bull.

It is true that reporters aggressively pursue stories and are concerned about accuracy, completeness and speed. But they aren't motivated primarily to increase the profits of the company. It's more selfish than that. They don't want their counterparts in a competing medium to beat them. They don't want to have to explain to their editors why they got scooped. It instinctively becomes a matter of professional pride. They do appreciate lawyers who, they sense, have some understanding and appreciation of their values and how they approach the job.

The typical journalist, while having his or her own views on issues and events, does make a sincere effort not to let those views corrupt the story. He or she sees the job as telling the truth

as straight as possible. That is not to say bias does not exist in news coverage. Even the most dedicated reporter or editors must make choices as to words and pictures. Sometimes a person's bias inadvertently creeps in. Other times, the bias of the reader lets the reader see things not intended by the writer or producers.

All I'm saying is that instances of deliberate slanting of a story to further a reporter's personal agenda are few.

Even deliberate slanting does occur, if rarely. There are corrupt journalists, and you should avoid them when you realize they can't be trusted. When discovered, the conscientious mainstream media fires them. But it would be a mistake to assume all, or even most, journalists are corrupt or unethical. Every profession or trade probably has the same percentage of bad apples. Whether the percentage is 1, 5, 10 or 20 percent, my guess is that the number applies whether we are talking about plumbers, storeowners, lawyers or mechanics.

The problem of deviant workers is exacerbated by the general visibility of the profession or trade. That is why lawyers anguish over an image problem. A lawyer who cheats a client is more likely to get press than the electrician who defrauds a customer. The public is aware of the existence of the legal profession's enforceable ethics rules. They are less certain of the voluntary, largely unenforceable rules of business ethics.

Journalists, too, have written rules of ethics. Because of the First Amendment, it is impossible and undesirable that the government license journalists so that ethics rules could be enforced. The best we are left with is voluntary compliance. In short, we have to trust a journalist's integrity.

Lawyers, especially those who will deal with the media, should have a general familiarity with journalism ethics rules. If you see a violation of those rules, there is little to be lost by calling the paper, magazine or station. Most editors I know want to know when their unit has erred so they can avoid a recurrence. Yes, it feels awkward to have your mistakes pointed out, but that pales in comparison with the true goal of getting your staff to its highest level of professionalism. Most editors want to know where the weaknesses are so they can correct them.

“What is news?”

If you have information you would like publicized or if you are a source for a story, it is helpful to you and the reporter to think about your information in terms of newsworthiness.

It is no insignificant power an editor holds in deciding what to bring to the public's attention. Decisions inherently are highly subjective. What to write about and how to write it often stirs passionate debates, even within the newsroom. There is no unified media slant as it often is portrayed. There are, however, some generally agreed upon factors involved in determining newsworthiness.

Timeliness is always an issue. Events move too fast and television has become too pervasive for people generally to care about past events. Hence, the phrase, “That's old news.” The reporter lives for the days he or she can get the important story and get it first.

Impact is another factor journalists evaluate. How important is it to our readers or viewers? How many are affected by getting this information? One of the banes of editors is to have someone pitch a story about an organization's 25th anniversary. All groups have birthdays. Unless there is some other noteworthy activity accompanying the observance, no one outside the leadership of the organization will care. For most anniversaries, even the members are likely to greet the fact with a collective "Ho hum."

Human interest for an editor is highly subjective. It's another thing that "you know it when you see it." Generally it involves an occurrence that could not have been foreseen. If the story amused or amazed you, it might also intrigue a reporter. And it might not; you don't always know. Certainly, the unique, unusual, quirky or poignant qualities of stories are in the category.

Tragedy, especially local ones, always merits attention. In fact, a major criticism of journalists is that they don't focus enough on good news. That probably is true, but the fellow who tried to market a weekly newspaper with nothing but positive news soon folded because he could not get the public to buy it or advertisers to support it. My response to the emphasis on tragedy is that it is not news that all the planes landed safely at Chicago's O'Hare airport today.

Human conflict is probably the category that applies to most lawyers. As mentioned in the chapter on dealing with the family, we, as a nation, are enamored with our legal system. The law is predominantly about conflicts between individuals. Television shows, fictional novels and nightly newscasts increasingly gravitate to the legal arena. We are captivated by the plots, and want to know more. The fact that Court TV was created testifies that a big enough market exists. If you get a client or a case that draws the media's attention, you will have to deal with the press, even if you opt regularly to issue the perfunctory "No comment."

"The trust factor"

Dealing with the media is not something most law schools include in the curriculum. Until recently, the legal profession generally could ignore the press, except in a few high-profile cases. Business writers didn't concentrate on the legal aspects of transactions nearly to the extent focused on today. Now it behooves the practicing lawyer to be prepared for media inquiries, even if he or she does not seek to cultivate media coverage.

It is unlikely that you will get a case garnering the incredibly high visibility of O.J. Simpson. But scaled down, a case in your local community with local media reporters can bring up the same issues that the lawyers and court personnel faced in O.J. Especially at the local level, understandings must be reached. A comfort level is most desirable. For a lawyer or judge to be comfortable with a reporter, a degree of trust is required. Yes, a professional relationship, even if limited, must develop.

As with all relationships, you have to get to know each other. Mutual respect must evolve. That element is most important when you face those situations where you simply can't answer the reporter's question. The initial reaction of a typical reporter to "No comment" from a lawyer he or she doesn't know is to suspect the lawyer has something to hide. That generally only heightens the reporter's suspicion and can create a resolve to dig deeper to uncover what he or she thinks the public needs or would want to know.

The dynamics change, however, if the reporter has a history of your providing accurate information and cooperation. You are then more likely to receive the benefit of the doubt, because the

reporter knows you wouldn't weaken the relationship unless circumstances in your professional capacity required it.

In both cases, the lawyer probably has valid reasons for not providing the information. Yet how a reporter responds often will depend on the degree of trust that has developed between the reporter and the source.

And, contrary to popular belief, most reporters don't like anonymous sources any more than the public does. The reporter, however, recognizes and accepts that there are times when there is no other way to obtain the information. This generally occurs when some wrongdoing has occurred, usually in governmental work. There often is someone who is aware of the wrongdoing, feels outraged or guilty about it and wants it exposed. The problem usually is that the sources cannot afford the repercussions on the job if he or she goes public. Or the person simply may lack the personal courage to face the inevitable clashes.

Either way, the reporter must face a choice — either ignore the story or run it based on anonymous sources and take the heat himself or herself. Most will opt for the latter. The classic case was the investigation and reporting of Watergate. Whether you would ever be an anonymous source is a matter you alone will decide, based on your own values and how critical you think it is that the public be aware of the circumstances.

That is different, however, from giving “background information.” That generally means providing sufficient information for the reporter to have a context for the story. In a legal story, that may mean explaining some aspect of the discovery process to a reporter when you aren't the lawyer for any of the parties. Maybe the reporter called you because he or she is writing the story and forgot to ask the lead lawyer to clarify an uncertainty in the reporter's mind.

In any case, there is no need to include your name in the story. It truly is background and not part of the key focus of the story. Often that's how good press-lawyer relationships develop — with the lawyer providing accurate background information to help the reporter get the story right.

The consuming desire of the reporter to get the story right is something too few appreciate. If you have ever incorrectly cited a case in a brief and were called on it, you know that feeling of a knot in the pit of your stomach. The fact that your mistake might have been read or seen by thousands only thickens that knot for the journalist. No, accuracy is at the highest of a reporter's priorities.

The press wields enormous power. It can be a power of much benefit to a lawyer. It also can be a power that causes significant problems for the lawyer. In many ways, the lawyer determines how that power is used with regard to stories written about him or her. The reporter goes with the information he or she is given, once it is verified. If the reporter becomes convinced the source is avoiding him or her or appears to be hiding something, the way the reporter chooses to tell the story can make the difference. For instance, a “No comment” can appear in print as “The lawyer refused to provide information” or it can read as “The lawyer declined to comment.” Both are factually accurate, but often times the choice is based on the reporter's own suspicions of what is going on. The trust level kicks in.

Even if a lawyer concludes he or she would rather not seek a good relationship with local legal affairs reporters, he or she should do all that is possible to avoid a bad relationship. That is why it is in your interest to know how to deal with the press.

What a Reporter Concludes is News

1. **Would the general public care?** Keep in mind that typical reporters see themselves as representatives of the average person. They look into things the public might like to check out but do not have the time or means. In short, they see their work as performing a public service. In that regard, they ask themselves whether a significant segment of the viewers or readers find the information:
 - Interesting;
 - Helpful in their individual lives;
 - Helpful in their responsibilities as citizens within the community.
2. **Man-bites-dog penchant.** In assessing whether a story has news value, reporters are no different than you or your colleagues sharing a bit of information that struck you as sufficiently noteworthy to pass along at work. Some of the elements of such information are:
 - Does it stir one's emotions?
 - Does it impact a lot of people?
 - Does it seem abnormal, odd or offbeat?
 - Is it current?
 - Is it something people do care or should care about?
3. **Zeroing in on government activities.** From the beginning, the press has carved out an ad hoc role as watchdog of those in our government — local, state and federal. Reporters pride themselves in keeping the public informed so as to enable citizens collectively to make the right decisions. They also see themselves as the front-line against governmental corruption. In that regard, they will focus on:
 - Governmental waste or in efficiency;
 - Individual dishonesty by governmental officials;
 - Appearances of conflict of interest in handling governmental matters;
 - Personal courage or going against the grain by individuals in government;
 - Mistakes, individually or collectively, that impact the public's sense of safety or fiscal welfare.
4. **Knee-jerk negativity.** Perhaps it is simply human nature, but much of the news will be of a negative nature. If you put people in a room with an entire white wall and one black dot in the middle and ask them what they see, a majority will respond that they see a black dot and miss the white wall. It is not news that all the planes landed safely at the local airport. However, let one crash and you have a front-page story.
5. **Promoting your Good News.** Reporters can be persuaded to write good news, but they must be spoon-fed. It is not something that they are naturally inclined to look for. They must be shown why the good news is noteworthy. Some ways to interest a reporter in covering positive news include:
 - Showing your good news runs counter to a prevailing negative trend, i.e., case management;
 - Showing how the general public is benefited by knowing of your good news;
 - Showing how the news is helpful in their responsibilities as citizens within the community.

Interviewing for Success

Most people face a media interview with fear. Rather than feeling defensive and praying just to survive it, you can turn an interview into an opportunity to get an important message to the public. Here are some tips:

In General

- Get a clear understanding in advance of what the interview will cover.
- Have a thorough knowledge of the topic(s).
- Develop one or two key messages you want to get across -- that you can state quickly and succinctly.
- Have on hand background materials for the reporter to help ensure understanding and accuracy.
- Determine whether the interview will be by telephone or in person.
- If the interview is to be in person, select a location and environment you feel comfortable with.
- If it is to be a telephone interview, consider the following:
 - Clear your desk of anything that might keep you from focusing on the interview.
 - Stand up during the interview. You will be more likely to breathe from your diaphragm, which will help keep you from taking shallow breaths and give your voice more authority.
 - Face a wall or close your eyes. That will help you to concentrate more on the questions and your answers.
 - Offer to fax background materials to the reporter.
- Listen carefully to each question and think before answering. Repeat, rephrase and recap your key message(s) at every opportunity.
- KISS (keep it simple, stupid). Use simple language. Although the reporter might be very intelligent and highly educated, the media write and report for an audience with a 9th grade education. Avoid jargon, such as “perpetrator,” “... severely increased workloads and case backlogs,” “... pre-adjudicated or sentenced misdemeanants.”
- If the interviewer asks a series of questions, pick the one you want to answer and ignore those you would rather avoid.
- Define, don’t defend.
- If someone has made a mistake, don’t try to weasel around it. Admit it, get it over with and move on immediately to your positive messages.
- Focus the interviewer’s attention on what you want her or him to hear by flagging your messages with such phrases as “This is really important,” “Something really important I want you to know is ...,” or “Here are three main points.” And follow up with your sound bite.
- Lead the interviewer to your message by ending your answer to one question in a way that might prompt the reporter to ask a question you want asked, such as, “Yes, that was a

tragic situation, but we now have a program in place that will keep that from happening again.”

- Avoid trigger words or negatives, which are words in the question that you don’t want to repeat in your answer, such as “embezzle,” “mismanaged,” “I am not a crook.”
- One-to-one interviews work better than press conferences because you have more control and you won’t be responding to several agendas.
- In-person interviews are better than telephone interviews because the result in better accuracy and both you and the interviewer become real people instead of disembodied voices.
- Try to have someone else present during the interview or at least tape-record it. This puts the reporter on notice that s/he had better get it right.

On the Air

An on-camera interview with a television reporter can feel even more intimidating than an interview with a reporter holding only a pen and note pad. Here are some tips that might ease the tension or help your credibility in a broadcast interview.

- Have someone help you in advance with a practice interview using a video camera, review the video and take note of things that distract from clarity and that might connote uncertainty, discomfort or irritating habits, such as punctuating every other word with “uh,” “you know” or “I mean,” shifting eyes, repeatedly clearing of throat, verbose answers.
- Wear clothes that are dark, but not black, and solid. Avoid large or busy prints. Avoid large, flashy jewelry.
- Maintain eye contact with the interviewer.
- Talk casually, as if in conversation with a friend.
- If you don’t know something, don’t guess. Offer to provide the information after the interview.
- Use small (not sweeping), natural hand gestures to make your point.
- If you’re to be seated in the interview, avoid swivel chairs.
- If you’re to be standing, place one foot in slightly in front of the other and shift your weight to the forward foot.
- If you feel crowded, take a deep breath and one step back.
- Maintain good body posture.

Ambush Interviews or No Notice Calls

- Buy time. Ask for an idea of what the reporter wants to know, say you need a few minutes to take care of something that needs immediate attention, then use that time to prepare.
- Jot down the most difficult 10 questions they can ask and try to frame positive answers.

Some “Nevers”

- Never say “no comment.” (An alternative is, “I can’t tell you that, but here’s what I can tell you.”)
- Never lie.
- Never guarantee anything.
- Never exaggerate.
- Never run from or slam the door on a camera.
- Never slug a cameraman or photographer.

Ten Tips on Dealing with the Media

1. **Never lie or mislead a reporter.** Like you, a veteran reporter has developed a strong sense of reading people. They generally know when someone is trying to use them or deflect them from the truth. Even if you succeed temporarily, the reporter, if the published story later proves to be flawed, will remember.
2. **Appreciate and respect the reporter's deadlines.** For journalists, there are not continuances. Editors don't want to hear excuses why the reporter failed to get the quote or story. A reporter will appreciate a lawyer who makes himself or herself available at the earliest possible time.
3. **If you want to be quoted, make colorful statements.** Besides getting it accurately, the reporter wants his story be interesting. Writing style can only go so far. Quotable sources are the key. Use of analogies or appropriate quips help add color to a story. Conversely, if you don't want to be quoted, but still want to appear cooperative, keep your commentary to the driest, blandest and straightforward language you can.
4. **Avoid legal terms in explaining complex issues.** Unless you are a "techie" yourself, you know how frustrating and irritating it is when someone tries to talk to you about your computer and every other phrase is a technology term you cannot comprehend. The same is true with legal terminology. Draw a picture in laymen's terms to get your point across.
5. **Set your own terms for the interview.** Tell the reporter up front what can and can't be used for direct attribution. If you are asked to go "off the record," or "on background," make sure you and the reporter explicitly agree on what those terms mean and explicitly how the information will be used. As a source, you generally are able to set the ground rules. You can ask to see the story before it goes to print, but more often than not, a reporter won't agree. A reporter knows from experience that those who want to check "only for factual accuracy," generally shift over into nit-picking writing style.
6. **Tape the interview.** Especially if you are concerned about accuracy, make your own tape. Many reporters use tape recorders, so it is highly unlikely you will get resistance. If you do, it's probably not a good idea to be interviewed. If you use a tape recorder, however, be certain to tell the reporter and to make sure such use does not violate laws in those states that prohibit one-sided recordings.
7. **Provide written materials where appropriate.** If you have graphics or supporting material you can share appropriately with the reporter, make it available. He or she will appreciate your taking the matter seriously enough to want to assist.
8. **Don't let a reporter put words in your mouth.** One tactic that is frowned upon, but still used, is when the reporter asks, "Would you say that..." or "Would it be fair to say..." and then directly attributes his or her words to you in print. Sometimes the reporter's statement contains loaded language that gives a twist that you would not have said on your own but is close enough for you to agree that you are comfortable with the overall statement.

9. **Remember, reporters rarely write headlines.** Often the complaint from a source is not about the story, but about the headline. Reporters, as a rule, don't write headlines, especially on larger publications. In fact, some of the strongest newsroom arguments can occur between the reporter and the copy desk over a reporter's belief that the headline inaccurately portrayed his or her story. If the headline is wrong, ask the reporter whom you should call the register a complaint. It does little good to berate the reporter, who probably agrees with you but can't do anything about it.
10. **Give the reporter the benefit of the doubt.** Unless you know from experience or have reason by reputation to distrust a reporter, don't assume the worst. If the reporter feels you genuinely respect his or her duties, generally things will go well. If asked about something you can't comment on, don't give a brusque "No comment." Be sincere and, if possible, provide some general explanation why you can't provide the information, such as "attorney-client privilege."

Some General Guidelines for Media Interviews

1. Respond promptly to any and all media inquiries.
2. Convey a genuine sense of understanding, appreciation and respect for the reporter's public service role.
3. Ask the reporter when the deadline is to show your concern for his or her schedule as well as providing you with some idea of how much time you have to prepare.
4. Be as cooperative as you can in terms of answering questions. If reporters feel you are trying to help them get it right, they will portray you more positively in their coverage. This may include referring them to other more appropriate sources.
5. When you can't answer due to ethical restrictions, take the time to explain why you can't answer directly instead of the flat "no comment."
6. Answer all questions in terms of how the public is affected, not how you are affected.
7. Try to keep your answers concise. Lengthy responses increase the risk of the reporter not understanding statement fully and make it more difficult to take accurate notes. Particularly with respect to electronic media, lengthy responses can be edited down in ways that distort or mislead what you were trying to say.
8. Try to avoid negative words in responding to a question.
9. Try to keep the interview focused on three or fewer points that you want to stress. All answers should circle back to those limited number of points. Repetition helps insure the reporter gets them down and gets them right.
10. Maintain your composure not matter how provocative the question or the reporter's style.
11. Show your compassion as a human by acknowledging the concerns of the average viewer and let them no that as you take your job seriously in providing public service, you also "feel the pain" of those affected.

Handling the Ambush Interview

1. Above all else, maintain your composure.
2. Do not walk away from the reporter. Walking away leaves the impression of something to hide.
3. Offer to set up an appointment to answer the questions. You can explain that some of the material for information sought by the reporter is at the office and that it would not be helpful to him or the public for you to try to answer off the cuff.
4. In a negative situation, convey the sense that the entire picture has not been shown and that there are facts, when known, that will change the context. You might gain some sympathy from the viewers by saying that “as awkward and uncomfortable as this situation may be for me personally, there are reasons why the full story cannot be detailed right now. At the appropriate time, when the investigative process has been completed and the law permits, the public will understand both what happened and why it was necessary for this delay.”
5. Avoid the flat “no comment.” A more helpful response is that “I know you have an important public service role in keeping the public informed, and I’m sorry not to be able to cooperate for the moment, but (ethical rules, investigative prohibitions) simply require me to refrain from discussing these matters at present.”

Special Suggestions for the Televised Interview

1. Once the camera is in the room, assume it is turned on. Most TV reporters will not use statements in unguarded moments, but some do. Avoid joking or relaxed off-the-cuff remarks before or after the actual interview.
2. Be totally unflappable in the face of negative or hostile questions. TV is a visual medium so it looks for reactions, signs of emotional reactions even if your words are neutral or positive.
3. If necessary, use your lawyer skills as if in cross-examination. If you feel you are being set up, it is not unfair to answer a question with a question to put the reporter on the spot. But do so calmly and matter-of-factly. For example, if you are asked about something in a pending case, you might respond, “Now you know perfectly well that to insure the fundamental fairness of the trial for the public and the parties, I am prohibited by the ethical rules from discussing matters in a pending case, so why are you asking me a question you know I am prohibited from answering. Is this just an attempt to make me look bad?”
4. If you have responded and the reporter simply sits silently, resist the urge to embellish on what you already have said. It is not your job to fill in the void. Do not let silence push your answers beyond what you want to say. Any silent gaps will be edited out.
5. Dress conservatively for television. Avoid plaids, bright colors or ostentatious jewelry. Be careful wearing the robe for the interview. While conveying the sense of dignity, authority and power in the courtroom and other appropriate functions, it can leave an impression of haughtiness in the general television news interview.
6. Have good posture during the interview. Lean slightly forward to convey interest, energy and sincerity in the process.
7. Speak slowly and confidently. Do not betray anxiety through rapid responses. Keep control.
8. If you do not know the answer, say so. Reporters and viewers generally have an inherent sense of when people are blowing smoke.
9. Do not look directly into the camera. Your responses should be directed to the reporter so look him or her squarely in the eye in a confident manner.
10. Practice hypothetical interviews with colleagues or friendly media professionals periodically to obtain and keep the basic skills.

Talking to Reporters: A Glossary of Terms

Know these terms and establish ground rules with each member of the media you deal with before you volunteer any information:

- **Off the record** - This means different things to different reporters. Officially, however, it means the information, whether written or oral, may not be published or broadcast. Period. Do not go off the record with anyone unless you know that person's track record. Not everyone honors off the record. Sometimes a reporter's promise gets overruled by an editor.
- **Not for attribution** - The information may be published or broadcast, but without identifying the source by name. Nail down exactly how the reporter will attribute the information, such as "a member of the Superior Court's two-member Task Force on Complaints Against the Judiciary," or "a court official," or "a source" said.
- **Background** - Means much the same as off the record. The information is not attributed to the interviewee in any way. May be used to provide a tip for reporter to start looking into in order to get information independent of interviewee. Again, first find out what the reporter thinks that means.
- **Deep background** - Not much different from background. Just greater care and secrecy to protect the source. Unless you're a whistle-blower, you should never have to use.
- **Just between us** - That and other ambiguous phrases have no universal understanding and generally mean nothing to reporters. (Just ask Newt Gingrich's mother.) Don't use them.
- **Check it with me before you use it** - While reporters rarely allow you to read or review a completed story before publication or airing, some will agree to check quotes and/or specific facts with you. If you get that opportunity, you can correct errors and misunderstandings, but not retract statements you now regret.
- **Read it to me or let me read it before you publish/air it** - A reporter might agree to do that, but the only benefit to you is advance warning of what the story says. You have no right to change anything.

Preparing for a Media Interview – A Checklist for Judges

The following checklist was adapted from the Maryland Judiciary's Court Information Office.

When A Reporter Calls:

1. Always take a minute to return media calls, or ask someone on your staff to do so, even if simply to say that you unfortunately are too busy to speak with the reporter at this time. (If possible, you can suggest an alternative contact person.) Respecting a reporter's deadlines goes a long way toward fostering positive relationships with the media.
2. When speaking to the reporter, find out the following information:
 - The reporter's name and affiliation;
 - The reason for the call and what issues will be discussed.
3. Determine if you are the right person to be interviewed. If you believe someone else is a better choice, let the reporter know.
4. Establish the ground rules for the interview and define the topic to be discussed in as much detail as possible.
5. Establish who the audience will be for this particular interview, and how the information will be used.
6. Determine exactly what the reporter needs from you before you proceed, and what else, besides your interview, will be incorporated into the finished product (news story or article.) Will you be quoted? Is the reporter simply seeking background information? Who else is being interviewed? Will this be a feature, or hard news, story? When will it run?
7. If the interview is being planned for the future, find out:
 - Will the interview be taped, either on camera or audio?
 - Will you be on camera live?
 - Where will the interview be conducted?
 - How long the interview is expected to last?
8. If the issue is straightforward, and you are comfortable with the subject matter, you can respond to the reporter's questions on the spot. Simply be accurate, truthful, and brief.
9. If the issue to be discussed is more complex, tell the reporter you are tied up, but will be available in, say, an hour, and that you will return the call. Ask for the reporter's deadline, and be sure to call back by then. Use that time to prepare, as detailed in the following section.

Before the Interview:

1. Prepare three to five points to get your key messages across as briefly as possible (preferably 20 seconds or less.) Some questions to ask yourself:
 - What is the issue?
 - What is your involvement in the issue?
 - Why is it important?
 - What is the historical perspective?
2. Gather background information and facts that prove your messages and make them credible. Don't try to "wing it" — be prepared.
3. Think of tough topics and sensitive questions you may be asked, and formulate responses that include your key messages.
4. Know your audience — determine who reads the publication or tunes into the program and tailor your messages for them.
5. Practice. If you would like any assistance with preparing for an interview, please feel free to call the Court Information Office.

During the Interview:

- Assess the reporter's level of understanding for the issue to be discussed, and brief him or her, if necessary.
- Get your message across. Take the initiative; be prepared to give information, answer a question and go on with the kinds of comments you have practiced.
- Be informative, not conversational. Beware the reporter who remains silent, encouraging you to ramble or dilute your original message. Don't feel compelled to fill those silences.
- Don't go "off the record." Off-the-record comments may not be attributed to you directly, but reporters often will use the information to confirm a story with other sources.
- Don't be bullied by the interviewer. Instead, address your responses to the public, especially when being interviewed for radio or television. Remember that you are being judged by your impact on the audience, not the interviewer.
- Feel free to redefine the question. This allows you to address the real issues that underlie the reporter's questions.
- Be brief — keep your responses to questions clear and concise. Reporters generally are looking for "quotable quotes" which will fill three lines of newsprint or 20 seconds of airtime. Don't use technical jargon or "legalese."
- Don't say "no comment" or "I can neither confirm nor deny." Instead, explain that you are unable to comment and why. For example, you might say, "The Code of Judicial

Conduct prohibits me from commenting about any pending or impending cases. However, I can discuss generally the court procedures relating to this situation.”

- Substitute positives for negatives. If the reporter asks a question in the negative, don’t repeat it. Instead, when you reply, phrase your response as a positive.
- Put the story in perspective with understandable examples.
- Don’t answer wildly speculative or “hypothetical” questions. Instead, you can say, “I’d be happy to answer any questions, but only on the facts as they occurred.”
- If you don’t know the answer to a question, say so, and offer to get back to the reporter with an answer later.
- During the interview, work in your three key points, and repeat them as often as possible. You can get your message points into the interview by “bridging.” This technique involves acknowledging the reporter’s question, and quickly moving on to the issue you want to discuss by using a transitional phrase such as “yes, and in addition to that...”

Sources included in developing this checklist:

- *The Maryland Bar Journal*, July/August 2000, Dealing with the Media, by Janet Stidman Eveleth
- *Community Corrections Report*, May/June 1996, Working with Reporters: The Art of Waking a Sleeping Dog Without Getting Bitten, by Gerald Migliore
- *Helpful PR: Media Interviews*, The Corporate Image Media/PR Agency
- *Top 10 Media Tips*, Karen Friedman Enterprises
- *Do Not Talk to Reporters! (Until You are Prepared...)*, Rick Amme & Associates

The Common Sense Guide to Publicity: How to Survive Media Interviews, DeFrancesco & Goodfriend Public Relations

Tips for Crisis Communications (How to Avoid the Panic Button)

Establish a crisis communications plan. Before a crisis strikes, develop workable procedures that include what to do, what to say, what *not* to say, who the spokesperson should be, what other agencies to coordinate with, a designated communications team leader and who needs to be kept informed.

Establish a central communications point. Have on hand everything needed for immediate response: important contact names and telephone numbers from whom to obtain data and critical information, media lists with telephone and fax numbers, additional staff to handle phone calls. If an off-site communications center is needed, arrange for cell phones and laptop computers.

Gather factual information. Don't speculate or offer opinions. That only fuels rumors and perpetuates bad information.

Create a fact sheet. List the names and titles of key people, such as the court's presiding judge and the administrative or executive officer, and as much factual information as possible, such as in the case of earthquakes, fire, floods or riots, the court locations that have been closed and those still open. Update the fact sheet as new information becomes available. The spokesperson(s) should be media-trained, speak with the media only on the record and coordinate all interviews through the communications team leader.

Prepare official news releases. The spokesperson(s) should be available, prepared and ready to respond to breaking developments because if no "officials" are on hand, the media will interview anyone they can grab.

Know who the players are. Depending on the type of crisis, local, state, federal agencies, as well as bar and/or business leaders might play an important role in your communication loop. Get contact names and phone numbers for every appropriate person and/or agency.

Coordinate, coordinate, coordinate. Keep a steady flow of information going among all involved, including the crisis team, spokesperson(s), staff, law enforcement and other local officials. Your crisis communications plan might include daily briefings with representatives from all affected agencies and entities.

Don't stonewall, say "no comment" or lie. If an official response has not yet been developed, say so and say when it will be available, then follow through. In responding to a question about something that can't be discussed, say so, instead of "no comment." No comment implies secrecy or that you have something to hide. By saying you can't discuss something and explaining why it can't be discussed (it involves personnel issues which are confidential, it involves a pending case which according to judicial canons can't be discussed, etc.), you've given the media something, even though it's not exactly what they want. That increases your court's credibility.

Be sensitive to media and public needs for timely information. Be aware of news deadlines and update the media as often as possible, even if it's to let them know you don't have any new information.

Hold a post-crisis debriefing. Review the crisis communication plan. What worked? What didn't work? What could be improved? What could or should have been done differently. Thank everyone involved; staff, volunteers, media, other agencies, for their support and assistance.

Canon 3B(9) of the ABA Model Code of Judicial Conduct

“A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge’s direction and control. This Section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This Section does not apply to proceedings in which the judge is a litigant in a personal capacity.”

Society of Professional Journalists – Code of Ethics

Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.

Seek Truth and Report It

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
- Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
- Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
- Make certain that headlines, news teasers and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
- Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
- Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.
- Never plagiarize.

- Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
- Examine their own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- Give voice to the voiceless; official and unofficial sources of information can be equally valid.
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- Distinguish news from advertising and shun hybrids that blur the lines between the two.
- Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

Minimize Harm

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect.

Journalists should:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

Act Independently

Journalists should be free of obligation to any interest other than the public's right to know.

Journalists should:

- Avoid conflicts of interest, real or perceived.
- Remain free of associations and activities that may compromise integrity or damage credibility.
- Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.
- Disclose unavoidable conflicts.
- Be vigilant and courageous about holding those with power accountable.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
- Be wary of sources offering information for favors or money; avoid bidding for news.

Be Accountable

Journalists are accountable to their readers, listeners, viewers and each other.

Journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Abide by the same high standards to which they hold others.

Sigma Delta Chi's first Code of Ethics was borrowed from the American Society of Newspaper Editors in 1926. In 1973, Sigma Delta Chi wrote its own code, which was revised in 1984 and 1987. The present version of the Society of Professional Journalists' Code of Ethics was adopted in September 1996.

Exposure Draft States and Electronic Access to Court Records

With caseloads growing exponentially each year, the Internet has become a valuable tool for many court officials in terms of managing cases in an efficient and timely manner. In their efforts to streamline document and case processing, the state courts have become increasingly reliant upon the Internet. Perhaps more importantly, the courts have used the Internet as a tool to give the public electronic access to court records, providing public information to many more people than ever before.

Presently, more and more states are forming committees and proposing initiatives to establish statewide rules and policies regarding electronic access to court records in order to make the information the state provides uniform, consistent, and user friendly. Courts have made records available in many forms ranging from statewide services and regulations to instances of a single jurisdiction providing access to its records. Some states provide access to both criminal and civil records while others restrict users' access to records that may contain sensitive personal information. And while some states offer comprehensive access to their court records, they may charge users a fee to view them. Costs, sensitive information, and uniformity are all issues that the states must address when granting online access to their court records. The issue of privacy provides a particularly difficult challenge since many courts made decisions about what should be public prior to advances in database technologies and without the idea of widespread availability.

Below is a table with a listing of each state followed by a summary of the type of electronic access provided by each state as of July 1, 2002. As you will see, some states have proposed, designed and implemented comprehensive and valuable statewide electronic access systems while others have yet to address the issue. CDT created this update with no policy agenda, simply as a means to track the quickly moving area of access to court records online.

NOTE: The basic information in this report was based on a Maryland Advisory Committee on Access to Court Records July 2001 subcommittee report <<http://www.courts.state.md.us/access/states7-5-01.pdf>>. State names that appear in *italics* have reviewed, revised and/or changed their policies regarding electronic access to court records over the passed year. We have also added contact information and Web site addresses.

	Electronic Access?	Contact Information	Web Site Address
AL	Alabama employs a dial-up access program called "Alalinc", in which the user can download appellate court opinions, as well as Supreme Court Opinions and various legal resources by subscribing to the service for an annual fee of \$200. Public access terminals are also available in every county. Court docket is also available online. County Records are available via dial-up access; however, there is a fee.	Administrative Office of the Courts Judicial Building 300 Dexter Avenue Montgomery, AL 36104-3741 Phone: 334-242-0300 Fax: 334-242-2099 webmaster@alacourt.state.al.us	Alalinc: http://www.alalinc.net/ Docket Information: http://www.judicial.state.al.us/ County Records: http://207.157.124.243/wx/login.asp
AK	Alaska Court Case Management System allows users to search for appellate cases, rules, and docket information online. The Alaska Trial Court Name Index Database allows users to search for case information by entering the party's name. This database will not display the case information, but rather allow users to request copies of the documents.	Chris Christensen Staff Counsel 820 W. 4th Ave Anchorage, AK 99501 Phone: 907-264-8228 cchristensen@courts.state.ak.us	Alaska Court Case Management System: www.appellate.courts.state.ak.us Alaska Trial Court Name Index Database: http://www.state.ak.us/courts/names.htm
AZ	The Arizona Judicial Branch offers electronic public access to court case information from 137 out of 180 courts in the state. The Superior Court of Maricopa County and the	Jennifer Green, Esq. Policy Analyst Administrative Office of the Courts Arizona Supreme Court	Public Access to Court Case Information: http://www.supreme.state.az.us/publicaccess/default.htm

	Pima County Consolidated Justice Courts offer their own services, including searchable dockets, as well.	1501 W. Washington, Suite 410 Phoenix, AZ 85007 Phone: 602-542-9555 Fax: 602-542-9480 jgreen@supreme.sp.state.az.us	Superior Court, Maricopa County (rulings): http://www.superiorcourt.maricopa.gov/publicInfo/rulings/rulingsRead.asp Pima County Consolidated Justice Courts (case and docket information): http://jp.co.pima.az.us/www/iserv.html
AR	Electronic access to docket information, appellate and Supreme Court Opinions, and Rules are provided free of charge. Currently, electronic access is provided for a small fee. However, the state is working on a project to electronically integrate all of the state and district courts in an automated system. The Arkansas Court Automation Project (ACAP), focuses not only on effective case and document management but will eventually include electronic filing as well as the eventual broadening of public access to case dispositions electronically. Arkansas also uses a system called JailNet, which electronically connects jails throughout the state giving prison officials and other related parties access to inmate information. JailNet allows officials to run warrant checks and other criminal inquiries on the inmates as they enter and leave the prison system.	Timothy N. Holthoff Director, Arkansas Court Automation Project 501 Woodlane Drive, Suite 303 Little Rock, AR 72201-1026 Phone: 501-683-4030 Fax: 501-683-4036 tim.holthoff@mail.state.ar.us	Arkansas Court Automation Project: http://courts.state.ar.us/courts/acap/ Access to case info, dockets, and rules: http://www.courts.state.ar.us/index.html JailNet: http://www.appriss.com/News/03042002.html
CA	On December 18, 2001, the Judicial Council of California approved statewide rules that expanded public access to electronic trial records. The new California rules allow for widespread electronic access to civil records while limiting remote electronic access to criminal records and various cases that may contain personally identifiable information. The new statewide regulations do not take effect until July 1, 2002; however, there are currently several jurisdictions that provide web access to civil and/or criminal case information, including the Superior Court of California County of Los Angeles. (Information taken from a press release issued on December 18, 2001 by the Judicial Council of California, Administrative office of the Courts, Public information office). The Alameda County Court also offers access to electronic case information. Solano County Superior Court of California has a searchable database of case information via "CourtConnect." The Ventura County Court has both a searchable civil and criminal case index online as well.	Jane Evans Information Service Division Administrative Office of The Courts 455 Golden Gate Ave. San Francisco, CA 94102 jane.evans@jud.ca.gov Phone: 415-865-7414	Press Release by the Judicial Council of California: http://www.courtaccess.org/states/ca/documents/nr91-01.doc Supreme Court and Court of Appeals Opinions: http://www.courtinfo.ca.gov/opinions/ Court Rules: http://www.courtinfo.ca.gov/rules/ Appellate Case Information: http://appellatecases.courtinfo.ca.gov/ Alameda County Court: http://www.co.alameda.ca.us/cgi-forte/fortecgi.exe/?ServiceName=DomainWebService&TemplateName=index_alt_old.htm Solano County Superior Court: http://court-connect.solanocourts.com/bprod_cc/bprod_cc_cart/ck_public_qry_main.cp_main_idx Ventura County Civil Case Index: http://www.efile-it.com/ventura/ Ventura County Criminal Case Index: https://public.courts.ventura.org/casehome.htm
CT	The Connecticut Judicial Branch offers the public dial-in access to its civil, family and housing cases. This access permits users of the system to inquire directly into the civil and family case records contained in the Superior Court's database and to review the status of computerized court records. An Electronic bulletin board is also available.	Information Technology Division Administrative Office of the Courts Two Riverview Square 99 East River Drive East Hartford, CT 06108 Fax: 860-282-6401 Donald Turnbull Supervisor Web Unit Phone: 860-282-6405 Lynne Athas Supervisor of User Support Services Phone: 860-282-6577 Bruce Borre Director of Management & Policy Analysis Phone: 860-282-6507	Case Information: http://www.jud2.state.ct.us/Civil_Inquiry/GetDocket.asp

CO	<p>Colorado's "CoCourts.com" allows users to search both open and closed cases. Arrest records were recently added to the site. Sealed cases as well as probate, mental health, and juvenile records are not available on the site. Additionally, certain information within each case is restricted such as social security numbers and mailing addresses.</p> <p>There is also a free but separate, searchable database for marriage and divorce records.</p>	<p>public.access@judicial.state.co.us 1301 Pennsylvania Street Suite 300 Denver, CO 80203</p>	<p>CoCourts.com: http://www.CoCourts.com/ Marriage and divorce records: http://www.quickinfo.net/madi/comadi.html</p>
DE	<p>Court documents are available online utilizing "Virtual Docket," a fee based service that publishes court documents online for several different states. Delaware has certified correspondence, motions, pleadings, and orders online for the Bankruptcy, Claims, Chancery, District, Superior and Supreme Courts.</p> <p>Delaware was one of the first states to use eFiling and electronic docketing systems for civil cases. Public access to this information is provided in computer terminals in the Prothonotary's office. Remote access requires a subscription through Lexis-Nexis.</p> <p>Recognizing the need for effective case management and enable better communication between affected parties in the state's Drug Court, the Superior Court of Delaware implemented the Drug Court Information System.</p>	<p>Mderrickson@state.de.us Phone: 302-577-2400 Fax: 302-577-2836 http://courts.state.de.us/superior</p>	<p>Virtual docket: http://www.virtualdocket.com/ Superior Court of Delaware: http://courts.state.de.us/superior/tech.htm#tech1 Drug Court: http://courts.state.de.us/superior/drug.htm</p>
DC	<p>The Superior Court of the District of Columbia, as of May 1, has implemented an eFiling pilot program, in which parties file electronically with the Superior Court using the CourtLink eFile service.</p> <p>The Court of Appeals for the District of Columbia has Opinions, MOJs, and calendar information available on its web site.</p>	<p>Superior Court of the District of Columbia Executive Offices and Administrative Divisions Phone: 202-879-1700 executive.offices@dcbar.org alwilcox@dcbar.org</p>	<p>eFiling Project: http://www.dcbar.org/dscs/efiling.html Court of Appeals: http://www.dcbar.org/dcca/index.html</p>
FL	<p>Electronic access authorized by statute, but not uniform statewide. Users can search for court records in most Florida counties using a service called "MyFloridaCounty.com." Not all counties are online yet, but the web site suggests that more counties will be brought online in the near future.</p>	<p>Mignon U. Beranek Deputy State Courts Administrator 500 South Duval Street Tallahassee, FL 32399-1900 Phone: 50-922-5079 beranekd@flcourts.org</p>	<p>MyFloridaCounty: http://www.myfloridacounty.com/services/officialrecords_intro.shtml</p>
HI	<p>Program titled Ho'ohiki' is Hawaii's online public records access system. Court pleadings and home addresses are not available online. Ho'ohiki' has a detailed disclaimer which must be read before proceeding to the program.</p>	<p>Jodie Hagerman Staff Attorney 417 S. King Street, Room 209 Honolulu, HI 96813 Phone: 808-539-4956</p>	<p>Ho'ohiki': http://www.courts.state.hi.us/page_serve/LegalReferences/Records/6FEC5FEBB44D2621EC4446A8DE.html</p>
GA	<p>The Georgia Superior Court for Cobb County has court records, calendars and docket information available online; otherwise, there does not appear to be electronic access to court records.</p>	<p>Rita Haynes Administrative Division Manager Phone: 770-528-1351</p>	<p>Superior Court: http://www.cobbgasupctclk.com/</p>
ID	<p>The Supreme Court and the Court of Appeals in Idaho have opinions, hearing and calendar information as well as Court Rules online. However, it does not appear that the state courts have electronic access to their court records.</p> <p>The 1st Judicial District Court of Kootenai County provides downloadable opinions and schedule information on its website as well.</p>	<p>Supreme Court and Court of Appeals: Administrative Director of the Courts PO Box 83720 Boise, ID 83720-0101 mfwler@isc.state.id.us Kootenai County: Diana Meyer, Court Services Director kccourt@co.kootenai.id.us</p>	<p>Supreme Court and Appellate Court information: http://www2.state.id.us/judicial/ 1st Judicial District of Kootenai County: http://www.co.kootenai.id.us/departments/districtcourt/</p>
IL	<p>Several jurisdictions in Illinois (Cook, Jackson, Jefferson, Ogle & Macon counties) offer electronic access to civil and/or criminal court records.</p> <p>The Supreme Court provides electronic access to its opinions and docket information. The Appellate Court also has opinions online.</p>	<p>Cook County: Internet Court Call Help Line: 312-603-4785 courtclerk@cookcountygov.com Jackson County: Cindy R. Svanda Phone: 618-687-7300</p>	<p>Cook County: http://www.cookcountyclerkofcourt.org/Terms/terms.htm Jackson County: http://www.judici.com/search/search.html?court=IL039015J Jefferson County:</p>

		<p>Jefferson County: iljeffer@hamiltoncom.net Macon County: Mmilliman@court.co.macon.il.us Ogle County: webmaster@dhcomputer.com</p>	<p>http://www.rootsweb.com/~iljeffer/court.htm Macon County: http://www.court.co.macon.il.us/caseinfo.htm Ogle County: http://www.oglecounty.org/marty/circuitclerk.html Supreme Court: http://www.state.il.us/court/Opinions/default.htm Appellate Court: http://www.state.il.us/court/Opinions/Search.htm</p>
IN	<p>The city of Indianapolis, Marion County has an online service called “CivicNet” that allows users to access some civil and criminal records. CivicNet is a subscription service in which the cost varies. When searching for a criminal case record there is a flat fee charge of \$4.50; however, depending on the search method, the cost for obtaining a civil case record varies from free to \$5 a case.</p> <p>The Indiana Supreme Court and Tax Court as well as the Indiana Court of Appeals provide a searchable online docket. Supreme Court and the Court of Appeals have opinions, rules, and oral arguments online as well.</p> <p>In 1999, the Supreme Court of Indiana formed the Judicial Technology and Automation Committee (JTAC) to look into preparing and posting court records on the Internet, eFiling, developing standards for judicial technology and all related court technology. The JTAC continues to be funded by the state and backed by the Supreme Court; however, I have been unable to find out what, if any, progress the Committee has made since its inception.</p>	<p>Kurt Snyder ksnyder@courts.state.in.us Andrew Straw astraw@courts.state.in.us Lilia Judson Executive Director Division of State Court Administration Indiana Supreme Court ljudson@courts.state.in.us</p>	<p>CivicNet: http://www.civicnet.net/ Supreme Court & Court of Appeals: http://www.IN.gov/judiciary/opinions/JTAC: http://www.in.gov/judiciary/jtac/index2.html</p>
IA	<p>As part of the Iowa Courts Information System (ICIS), the Iowa Courts Online website allows all users access to current court records, historical data, individual case financial information, document events filing, appellate case information, and probate records. The site will eventually have a section in which users will have to pay a fee to obtain records; however, only the free portion of the site is up and running now. The system connects all 99 counties in Iowa.</p>	<p>Online Contact Form: http://www.judicial.state.ia.us/contact/</p>	<p>Iowa Courts Online: http://www.judicial.state.ia.us/online_records/</p>
KS	<p>In addition to the general docket/case information online, there is also a fee based subscription service called “Information Network of Kansas” which offers electronic access to district court records from four counties.</p> <p>The Appellate Court also has a case inquiry system online in which users can check the status of appellate cases as well as get case information.</p>	<p>Information Network of Kansas: 534 S. Kansas Avenue, Ste. 1210 Topeka, KS 66603-3434 Fax: (785) 296-5563 Call toll-free at: 800-4KANSAS (800-452-6727) In the Topeka area call: 785-296-5059 Or, send an e-mail to: info@ink.org Help Center direct line: 785-296-6518 Or, send an e-mail to: helpcenter@ink.org</p>	<p>Information Network of Kansas: http://www.accesskansas.org/online-services.html Appellate Court Case Inquiry Database: http://intra.kscourts.org:7780/pls/coa/clerk_ks_office.request_case Supreme Court Opinions and Docket Information: http://www.kscourts.org Appellate Court and Supreme Court: Ron Keefover Education-Information Officer 301 W. 10th Topeka, Kansas 66612-1507 by mail or E-mail at keefoverr@kscourts.org /supct/ Court of Appeals Opinions and Docket Information: http://www.kscourts.org/ctapp/</p>

KY	<p>There is a county by county listing of docket information, and Hardin County will soon have available an online records search of their electronic documents.</p> <p>The Supreme Court of Kentucky also offers electronic access to its opinions, rules, oral arguments calendar. Circuit and District Court Rules are also available on the Supreme Court's website.</p>	<p>Cicely Jaracz Lambert Director Kentucky Administrative Office of the Courts 100 Millcreek Park Frankfort, KY 40601 Phone: 502-573-2350 cicelylambert@mail.aoc.state.ky.us</p>	<p>Supreme Court website: http://www.courts.net/ky/index.html County by County docket information listing: http://dockets.kycourts.net/Counties/en_tucky_counties.htm Hardin County: http://www.hcky.org/index.asp</p>
LA	<p>The Civil District Court of the Parish of New Orleans offers access to its electronic records for an annual fee of \$250. Users have unlimited usage access to all of its online civil records. The Fourth Circuit Court of Appeals of Louisiana also permits users to search for docket information or retrieve a specific case.</p>	<p>Richard Robinson Staff Attorney Office of the Judicial Administrator 1555 Poydras Street, Suite 1540 New Orleans, LA 70112 Phone: 504-568-5894 Rrobinson@lajao.org</p>	<p>Civil District Court of the Parish of New Orleans: http://www.orleanscdc.gov/remote.htm#remote Fourth Circuit Court of Appeals: http://4thcir-app.state.la.us/</p>
ME	<p>The Judicial Branch of Maine's web site includes a listing and some links to all administrative orders as well as Supreme Court Opinions.</p>	<p>Administrative Office of the Courts Phone: 207-822-0792 TTY: 207-822-0701</p>	<p>Opinions and Orders: http://www.courts.state.me.us/opinions/index.html</p>
MD	<p>Maryland provides a remote dial-up access system called the Judicial Information System (JIS) in which most cases are searchable by party name or case number. Complete case information is somewhat restricted and limited to docket information with some exceptions. Case files that contain the complete case information are not available through the JIS database and are not readily available in electronic form. However, two pilot programs in Montgomery County and the Baltimore City Circuit Court are underway to explore this.</p> <p>There are also access terminals located in all courthouses which are available for both the public and court officials to use.</p> <p>In February of 2002, the Committee on Access to Public Court Records recommended that the public continue to have access to court records except those that are protected by statute or sealed by the court. The committee also recommended that access to criminal and civil records be virtually equal, barring the exceptions noted above, and the committee noted that case files will become increasingly computerized and made available electronically and therefore the courts may want to reconsider whether or not statutes and case sealing will be enough to maintain the privacy of the parties involved. Furthermore, the committee recommended that the Court establish a working group to continue to examine these issues and implement the committee's and the Court's policies.</p>	<p>mary.hutchins@courts.state.md.us or rodneystallsmith@courts.state.md.us Judicial Information Systems Department of Security 2661 Riva Road, Building 900 Annapolis, MD 21401</p>	<p>Dial-up Access System: http://www.courts.state.md.us/dialup.html Committee on Access to Court Records: http://www.courts.state.md.us/access/index.html</p>
MA	<p>The Massachusetts Probate courts allow users to order copies of records online but not actually view them online.</p> <p>Supreme Court opinions and a listing of oral arguments, organized by month, are available on the Supreme Court's web site. Users can also search a database for Supreme Court and Appeals Courts cases via the Trial Courts Law Libraries links page.</p> <p>On the Federal level, courts are planning to or have already installed a new electronic docketing and filing system called "Case Management/Electronic Case Filing" or "CM/ECF." In preparation for the installation of this system in the federal courts in Massachusetts,</p>	<p>Lynne G. Reed, Esq. Executive Director Administrative Office of the Trial Courts Two Center Plaza, 5th floor Boston, MA 02108 Phone: 617-742-8525, ext. 360 Fax: 617-742-0968 reed_l@jud.state.ma.us Richard F. Duggan Chief Information Officer Administrative Office of the Trial Courts Two Center Plaza, 9th floor Boston, MA 02108 Phone: 617-742-8383, ext. 242</p>	<p>Supreme Court: http://www.state.ma.us/courts/courtsandjudges/courts/supremejudicialcourt/index.html Trial Courts Law Libraries Links: http://www.lawlib.state.ma.us/</p>

	<p>a CM/ECF organizing committee was established in July 2001 and continues to meet today. The committee's original goal was limited to the installation of the CM/ECF system in the federal courts; however, the committee has expanded its mission to include the development and implementation of a single, electronic filing system statewide.</p>	<p>Fax: 617-227-9738 duggan_r@jud.state.ma.us Denise M. Queally, Esq. Associate Director, Information Technology Department Administrative Office of the Trial Courts Two Center Plaza, 9th floor Boston, MA 02108 Phone: 617-742-1400, ext. 287 Fax: 617-742-1404 queally_d@jud.state.md.us</p>	
MI	<p>Currently, the Michigan Supreme Court's administrative orders as well as existing and proposed rule amendments are available online on the Michigan Courts web site. The web site will soon make available all Michigan court rules (only select rules are presently available online). Supreme Court Opinions are also available electronically.</p> <p>In March of 2002, the Supreme Court began soliciting comments on a proposed Cyber Court. The Cyber Court was established in 2001 and has concurrent jurisdictions regarding business and commercial actions including relevant technological areas such as software and the Internet. The proposed court rules include: eFiling; having testimony given over the Internet or via videoconferencing; serving notice to people via e-mail; and making the Cyber Court's proceedings available and accessible to the public at large.</p>	<p>Marcus Dobek Phone: 517-373-8777 or 248-352-8990 Fax: 517-373-7451 or 248-352-8715 msc-info@jud.state.mi.us The Cyber Court: Richard McLellan rmclellan@dykema.com Steven Liedel sliedel@dykema.com Phone: 517-374-9100</p>	<p>Michigan Court Rules and Orders: http://courts.michigan.gov/supremecourt/Resources/mcr/index.htm Supreme Court Opinions: http://courts.michigan.gov/supremecourt/resources/searchengine.htm Cyber Court: http://www.michigancybercourt.net/</p>
MN	<p>The Fourth Judicial District Court of Minnesota offers criminal defendant information and civil case information online for a one-time setup fee of \$35, a monthly fee, and a fee that varies depending on the time of day the user access their online services.</p> <p>Court Rules are available electronically, and the Supreme Court and the Court of Appeals also have opinions and schedules online.</p>	<p>Michael B. Johnson Senior Staff Attorney Court Services Division State Court Administration 120-D Minnesota Judicial Center 25 Constitution Ave. St. Paul, MN 55155 Direct Dial: 651-297-7584 Fax: 651-296-6609 michael.johnson@courts.state.mn.us</p>	<p>Fourth Judicial District Court: http://www.co.hennepin.mn.us/courts/General/online.htm Supreme Court and the Court of Appeals: http://www.courts.state.mn.us/home/ndefault.asp?msel=3</p>
MS	<p>The Mississippi Supreme Court now allows users to do a general docket search by entering the case number, party names, and/or attorney names. The state Supreme Court also has links to all of its rules.</p> <p>Sample County allows users to search an online database for case information.</p>	<p>Docket and Rules Information; P.O. Box 249 Jackson, MS 39205 Phone: 601-359-3694 Fax: 601-359-2407 Sample County: John Robertson Delta Computer Systems P.O. Box 1296 1201 31st Avenue Gulfport, MS 39501 Phone: 228-868-3250 John@deltacomputersystems.com?subject=Deltawebsite(contact-us)</p>	<p>General Docket Search: http://www.mssc.state.ms.us/GeneralDocket/default.asp Rules: http://www.mssc.state.ms.us/rules/default.asp Sample County: http://www.deltacomputersystems.com/MCLINKQUERY.MHTML</p>
MO	<p>"Case.net" provides access to the Missouri State Courts Automated Case Management System. From here you are able to inquire on case records including docket entries, parties, judgements, and charges in public court. Only courts that have implemented the case management software as part of the Missouri Court Automation Project and only cases that have been deemed public under the Missouri Revised Statutes can be accessed through Case.net. The 16th Judicial Probate Court operates a separate web page although it also uses Case.net.</p> <p>All circuit, associate and appellate courts are planned to have a uniform justice information system by 2004.</p>	<p>Catherine Nelson Zacharias Legal Staff Assistant 2112 Industrial Dr. P.O. Box 104480 Jefferson City, MO 65110 Phone: 573-751-4377 Catherine_Zacharias@osca.state.mo.us</p>	<p>Case.net for Appellate and Circuit Courts: http://casenet.osca.state.mo.us/casenet/ Case.net for 16th Judicial Probate Court: http://www.osca.state.mo.us/courts/jak/casenet.nsf/Public+Access?OpenForm</p>

MT	The State Law Library offers a free, searchable database of the Montana Supreme Court's opinions, orders and briefs. The District Courts' rules are also available online.	Justice Building, 215 N Sanders Mailing Address: P.O. Box 203004, Helena, MT 59620-3004 Phone: 406-444-3660 Fax: 406-444-3603 Lawinfo@state.mt.us	Supreme Court Opinions, Briefs, and Orders: http://www.lawlibrary.state.mt.us/dscgi/ds.py/View/Collection-36 Court Rules: http://www.lawlibrary.state.mt.us/dscgi/ds.py/View/Collection-1864
NE	The Nebraska Supreme Court has Rules and opinions available online as well as Trial Court Rules; but otherwise, no electronic access appears to be provided.	P.O. Box 98910 1220 State Capitol Building Lincoln, Nebraska 68509 Phone: 402-471-3730 Fax: 402-471-2197	Court Rules and Supreme Court Opinions: http://court.nol.org/ Supreme Court and Appellate Court Opinions: http://court.nol.org/opinions/opinindex.htm
NV	Nevada Court Rules and Supreme Court opinions are now available online. The Second Judicial District Court uses a free database system called "CourtConnect" to allow users to search case information. Users only have electronic access to active cases or cases filed after January 1, 2000. The District Courts also allows users to search civil, criminal, family and probate records by entering the party name, case number, or attorney name.	Office of the Clerk Supreme Court of Nevada 201 S. Carson Street Carson City, Nevada 89701-4702 Phone: 775-684-1600 District Courts: DCWEBMST@co.clark.nv.us CourtConnect: CourtAdmin@mail.co.washoe.nv.us	Supreme Court Opinions and Court Rules: http://nvcourtaoc.state.nv.us/links.htm District Courts: http://courtgate.coca.co.clark.nv.us:8490/DistrictCourt/asp/SearchPartyOptions.asp CourtConnect: http://www.washoecourts.com/courtconnect.htm
NH	A link on the New Hampshire Supreme Court's web site allows users to freely access court records from the Superior Court, Probate, District, Family, and Supreme Court with some exceptions. Court Rules are also online.	Thomas A. Edwards Sr. Systems Analyst/Programmer Administrative Office of the Courts 2 Noble Drive Concord, NH 03301 Phone: 603-271-2521 tedwards@courts.state.nh.us	Court Rules: http://www.state.nh.us/courts/rules/index.htm Records Search: http://www.state.nh.us/courts/search/search.htm
NJ	Supreme Court, Appellate Court, and the Tax Court opinions are online dating from September 1995 to the present. New Jersey is involved in several statewide automation projects involving civil, family, juvenile and probation records. State also has a searchable electronic civil motions calendar. As of July 1, 2002 the New Jersey Judiciary decided not to expand access to court records to the Internet due to budgetary restraints. However, court documents are available to the public at local courthouses. The NJ Judiciary also has concerns that putting court records on the Internet will violate privacy rights guaranteed through New Jersey Statute. It is not known when the New Jersey Judiciary will make a final decision regarding electronic access to court records.	Supreme Court, Appellate Court, and Tax Court Opinions: courtweb@lawlibrary.rutgers.edu James Rebo, Chief Information Officer Hughes Justice Complex 25 Market Street P.O. Box 984 Trenton, NJ 08625	Supreme Court, Appellate Court, and Tax Court Opinions: http://lawlibrary.rutgers.edu/search.html Automation Projects: http://www.judiciary.state.nj.us/isd/index.htm Civil Motions Calendar: http://www.judiciary.state.nj.us/acms/ New Jersey Judiciary Article Regarding electronic access: http://www.law.com/servlet/ContentServlet?pagename=OpenMarket/Xcelerate/View&c=LawArticle&cid=1024078905402&t=LawArticle
NM	Electronic access provided without a fee. Addresses and phone numbers are not provided on the Internet. Internet contains case management information on all New Mexico District and Magistrate Courts, except the Bernalillo County Metropolitan Court which requires a password to access its records. Statute rules are also available online.	Fern Goodman General Counsel 237 Don Gaspar Room 25 Santa Fe, NM 87505	Case lookup: http://www.nmcourts.com/disclaim.html Statute rules: http://www.fscll.org/Stat.htm
NY	In April of 2002, the Commission on Public Access to Court Records was created for the specific task of examining the sometimes competing interests of privacy and open access relating to information in court case files. The findings and recommendations of the Commission will help to shape the Judiciary's policies regarding the availability of court records on the Internet. The Commission's findings are expected next spring. The Judiciary will begin to make more and more cases available electronically over the next few years.	E.Courts: Noel Adler Director of the Division of Technology New York State Unified Court System Nadler@courts.state.ny.us Help desk: 1-800-622-2522	New York Unified State Court System Public Inquiry: http://fbem.courts.state.ny.us/ef/mainframe.html E.Courts: http://e.courts.state.ny.us/ Commission on Public Access to Court Records Press Release: http://www.courts.state.ny.us/pr2002_07.html

	Currently, the New York State Unified Court System offers inquiries by Index Numbers and Party Name via a service called "Public Inquiry" as well as a web site where users can file certain documents electronically. NY also utilizes "E.Courts," which provide the user with access to case information from the Supreme Court and all 62 County courts.		
NC	North Carolina has an electronic calendar, which can be searched by county, court type, or last name of defendant. There is also a searchable database of Supreme Court Opinions online as well as Court Rules. The North Carolina Business Court allows users to search their electronic records by entering either the case number or parties names.	Administrative Office of the Courts P. O. Box 2448 Raleigh, N.C. 27602-2448 http://www.nccourts.org/Support/ContactUs.asp Business Court: The North Carolina Business Court 200 South Elm Street Suite 200 Greensboro, North Carolina 27401 Phone: 336-334-5252 Fax: 336-334-5162 info@ncbusinesscourt.net	Electronic Calendar: http://www1.aoc.state.nc.us/www/calendars.html Business Court: http://www.ncbusinesscourt.net/ Supreme Court and Appellate Court Opinions: http://www.nccourts.org/Courts/Default.asp
ND	North Dakota provides a searchable database of Supreme Court decisions and docket information online.	webmaster@court.state.nd.us	Supreme Court Opinions: http://www.court.state.nd.us/Court/Opinions.htm Supreme Court Docket Search: http://www.court.state.nd.us/Search/Docket.asp
OH	In addition to the Supreme Court services, numerous jurisdictions in Ohio now offer electronic access to civil and/or criminal records.	Christian Selch, Manager Technology Policy and Planning The Supreme Court of Ohio 30 East Broad St. Columbus, OH 43266 Toll free: 1-800-826-9010 Fax: 614-752-8736 Selchc@sconet.state.oh.us Athens County: cmitchell@athenscountygovernment.com Brown County: court@browncountycourt.org Butler County: boylejl@butlercountyohio.org Canton Municipal Court: Canton Municipal Court 218 Cleveland Ave SW Canton, Oh 44702 Phone: 330-489-3204 Cuyahoga County: Administrative Office Phone: 216-443-8560 Fairfield County: Fairfield County Clerk of Courts 224 E. Main St., PO Box 370 Lancaster, Ohio 43130	Allen County: http://208.29.74.173/cmiflash/court/search.html Athens County: http://www.athenscountycpcourt.org/ Brown County: http://www.browncountycourt.org/srchmain.html Butler County: http://24.123.15.5/pa/pa.urd/pamw6500-display Canton Municipal Court Online Case Docket: http://www.browncountycourt.org/srchmain.html Clermont County: http://www.clermontclerk.org/Case_Access.htm Cuyahoga County: http://cpdocket.cuyahoga.oh.us/cjisjs/servelet/cjis.urd/run/cmsw101 Cuyahoga County, CiiICDkt Criminal Case Docket: http://198.30.212.17/cpdock/ Fairfield County: http://www.fairfieldcountyclerk.com/Search/ Franklin County, Probate Division: http://www.co.franklin.oh.us/probate/ProbateSearch.html Geauga County: http://www.co.geauga.oh.us/departments/clerk_of_courts/docket/default.asp Greene County: http://198.30.12.229/pa/pa.htm Hamilton County: http://www.courtclerk.org/case.htm Hamilton County, Probate Division: http://www.probatect.org/records/records_welcome.html Knox County: http://www.knoxcountycpcourt.org/ Lake County: http://web2.lakecountyohio.org/clerk/se

			menu.htm Lawrence County: http://www.lawrencecountyclkofcrt.org/ Licking County: http://206.31.219.164/cmiflash/court/index.html Lorain County: http://www.loraincountycpcourt.org/ Lucas County, Dockets: http://www.co.lucas.oh.us/Clerk/dockets.asp Miami County: http://www.co.miami.oh.us/pa/ Montgomery County: http://www.clerk.co.montgomery.oh.us/po/index.cfm Scioto County: http://www.lawrencecountyclkofcrt.org/ Stark County, Docket Information: http://www.starkclerk.org/docket/index.html Summit County: http://www.cpclerk.co.summit.oh.us/Disclaimer.asp?toPage=SelectDivision.asp Trumbull County: http://www.clerk.co.trumbull.oh.us/search/search.cfm Union County: http://www2.co.union.oh.us/clerkofcourts/ Warren County: http://www.co.warren.oh.us/clerkofcourt/Courts/CtDispat.EXE
OK	The Oklahoma State Courts Network offers users electronic access to an extensive database at no cost.	Oklahoma State Court Network Administrative Office of the Courts 1915 N. Stiles, Suite 305 Oklahoma City, Oklahoma 73105 Phone: 405-521-2450 Fax: 405-521-9688	Oklahoma State Courts Network: http://www.oscn.net/applications/oscn/start.asp?viewType=
OR	The state maintains 18 regional databases known as Oregon Judicial Information Network. Dial-up access is permitted for all non-confidential (defined by statute) court cases. Court Rules are also available online.	Carl Ward, Director Information Technology Division Administrative Office of the Courts Phone: 503-986-5588 Fax: 503-986-5616 TTY: 503-986-5504	Oregon Judicial Information Network: http://www.ojd.state.or.us/ojin Court Rules: http://www.ojd.state.or.us/
PA	The First Judicial Court of Pennsylvania (Philadelphia) allows users to access docket information free of charge. The State's Appellate Court also gives users access to docket information. On January 1, 2002, Pennsylvania passed a Right to Know Law which defined the rights and limits of access.	aopweb@courts.state.pa.us Administrative Office of the Pennsylvania Courts 1515 Market Street, Suite 1414 Philadelphia, PA 19102 Phone: 215-560-6300	Philadelphia: http://courts.phila.gov/ Appellate Court: http://pacmsdocketsheet.aopc.org/ Right to Know Law: http://www.pnpa.com/legal/open.htm
RI	There is a searchable database of Rhode Island Judiciary's Adult Criminal Information Database via "CourtConnect."	Administrative Office of the Courts Administrative Office: Phone: 401-222-3266 Fax: 401-222-3599 Rhode Island Judicial Technology Center: Phone: 401-222-3000 Fax: 401-222-2870	CourtConnect: http://courtconnect.courts.state.ri.us/
SC	The Judicial Automation Project will be implemented over the next five years and focuses on modernizing the state courts' operations and then opening up access to court records online. A few counties in South Carolina currently provide electronic access to some court information free of charge. Charleston County	Rosalyn Frierson Director SC Court Administration 1015 Sumter Street, Suite 200 Cola, SC 29201	Judicial Automation Project Information: http://www.judicial.state.sc.us/judauto/overview.cfm Charleston County: http://www3.charlestoncounty.org/connect

	Courts provide access to civil, criminal, and traffic cases as well as judgements, case reports and jury lists. Supreme Court Opinions are also online.	Mary Schroeder Deputy Director SC Court Administration 1015 Sumter Street, Suite 200 Cola, SC 29201	Supreme Court Opinions: http://www.law.sc.edu/opinions/opinions.htm
SD	South Dakota Supreme Court Opinions and calendar information is available online; but, other than that, there is no apparent electronic access to court records.	Pam Templeton, Director Information and Technology Division of the Administrative Office of the Courts Phone: 605-773-4876 Fax: 605-773-7264	Supreme Court Opinions and Calendar: http://www.sdjudicial.com/index.asp?category=search&nav=5
TN	Tennessee Supreme Court and Appellate Court opinions and rules are available online. The Hamilton County Circuit Courts offer users access to its motion dockets online.	Hamilton County: Information Technology Services 115 East 7th Street, Chattanooga, TN 37402 Phone: 423-209-6250 Fax: 423-209-6251 DataCenter@exch.HamiltonTn.gov Web Page: www.HamiltonTN.gov/DataCenter Supreme Court and Appellate Court: Administrative Office of the Courts 511 Union Street Suite 600 Nashville, TN 37219 Phone: 615-741-2687 Toll-Free: 800-448-7970	Hamilton County Motion Dockets: http://www.hamiltontn.gov/courts/CircuitClerk/dockets/motion.htm Supreme Court and Appellate Court Opinions: http://www.tsc.state.tn.us/
TX	The Texas Judiciary On-line web site offers a link to a searchable database called the "Texas Appellate Court Case Information Search." The following courts offer online access to docket information, calendars, civil and/or criminal case information: <ul style="list-style-type: none"> • Denton County District Court (civil and criminal court records inquiries) • Castro, Hale and Swisher District Court (docket information) • 219th Judicial District Court of Colin County (both civil and criminal electronic case inquiries) • 14th and 68th Civil District Courts of Dallas County (docket information) • The Family, Civil and Criminal District Courts of Dallas County all have Court Rules online. • 212th District Court of Galveston County (docket information, trial calendars and information about "major cases") • 405th Judicial District Court of Galveston County has (an online calendar) • Harris County Civil District Courts (an electronic docket inquiry database) • All Civil District Courts of Harris County (case status and case activity information) • 58th, 60th, 136th, and 172nd Civil District Courts of Jefferson County (docket information and a listing of active cases) • 410th District Court of Montgomery County (daily docket information) • District Courts of Tarrant County (docket information and dial-in access via a subscription service) • Travis County District Courts (docket information) 	Denton County: Michael Donnelly, Justice Information System Manager mike.donnelly@dentoncounty.com Kevin Carr, Director of Information Services kevin.carr@dentoncounty.com Office of Court Administration 205 W. 14th Street Suite 600 Austin, Texas 78701 Phone: 512-463-1625 Fax: 512-463-1648	Texas Appellate Court Case Information Search: http://www.info.courts.state.tx.us/appindex/appindex.exe Denton County District Court: http://justice.dentoncounty.com/ Castro, Hale and Swisher District Court: http://www.242ndcourt.com/docket.htm 219 th District Court of Colin County: http://www.co.collin.tx.us/district_courts/219dc/index.jsp 14 th Civil District Court of Dallas County Docket Information: http://www.dallascourts.com/civil/14.htm 68 th Civil District Court of Dallas County Docket Information: http://www.dallascourts.com/civil/68.htm 212 th District Court of Galveston County: http://www.co.galveston.tx.us/JudgeCris/default.htm 405 th District Court of Galveston County: http://www.co.galveston.tx.us/405th/HarrisCountyDocketInquiry.htm Civil District Courts of Harris County Case Information: http://www.justex.net/civil/civilcr/civilcr.htm 58 th Civil District Court of Jefferson County: http://www.co.jefferson.tx.us/distcrts/58th.htm 60 th Civil District Court of Jefferson County: http://www.co.jefferson.tx.us/distcrts/60th.htm

	<p>Supreme opinions and Court Rules are also available online.</p> <p>The Texas Judiciary's web site also has a brief description explaining their open records policy and subsequent committee decisions.</p>		<p>th 136 Civil District Court of Jefferson County: http://www.co.jefferson.tx.us/distcrts/136th.htm</p> <p>nd 172 Civil District Court of Jefferson County: http://www.co.jefferson.tx.us/distcrts/172nd.htm</p> <p>th 410 District Court of Montgomery County: http://www.co.montgomery.tx.us/410dc/index.shtml</p> <p>Tarrant County: http://www.tarrantcounty.com/tc_distclerk/site/default.asp</p> <p>Travis County: http://www.co.travis.tx.us/district_courts/default.asp</p> <p>Supreme Court Opinions: http://www.yourhonor.com/ctrules.html</p> <p>Information on Open Records Policy and Committee decisions: http://www.courts.state.tx.us/openrecstat.asp</p>
UT	<p>Utah Court Information Xchange is a comprehensive database of court records; however, several fees and charges as well as a usage contract are required in order to use the system.</p>	<p>Information Services Administrative Office of the Courts 450 South State Salt Lake City, Utah 84114-0241 Phone: 801-578-3850</p>	<p>Xchange: http://courtlink.utcourts.gov/howto/access/xchange/index.htm</p>
VT	<p>The Committee to Study Public Access to Court Documents recently concluded that the state should work to narrow the disparity between records that are available in electronic and paper form. In the future the committee would like to see no difference between the availability of records online and offline. The committee recommended making available juvenile records on a case-by-case basis. The committee also recommended prohibiting or severely restricting access to the following record types: adoption and relinquishment; sterilization; grand jury proceedings; most juvenile proceedings; inquest proceedings; and mental health and mental retardation commitment proceedings. The committee also recommended that judicial conduct proceedings, lawyer disciplinary proceedings and most criminal proceedings be partially restricted from public access. The committee also recommended restricting access to records that contain sensitive personal information such as medical information. A recent report by the Judiciary Technology committee identified three areas of high priority for improving Vermont's technology. The three priorities include developing 1). Electronic litigation, 2). Accessible, user-friendly case and data access system and 3). Electronic tools for judges and staff. The Committee also recognized the need to implement new technology on a statewide level and to increase the public's access to most records via the Internet (with some exceptions). Current electronic access to court records is limited.</p>	<p>Lee Suskin, Esq. Court Administrator Supreme Court of Vermont Office of the Court Administrator 109 State Street Montpelier, VT 05609-0701 lee@supreme.crt.state.vt.us</p>	<p>Committee to Study Public Access to Court Documents' Report: http://www.vermontjudiciary.org/Resources/ComReports/pafinalrpt.htm</p> <p>Judicial Technology Committee's Report: http://www.vermontjudiciary.org/Resources/ComReports/techplan.htm</p> <p>Supreme Court Opinions and Calendar; Superior Court, District Court, and Family Court calendars; and Environmental Court Opinions: http://www.state.vt.us/courts/vtcourts.htm</p>

VA	Electronic access is available free of charge for many Circuit Court records in Virginia via a pilot program called "Courts Automated Information System" (CAIS). Users can also search a database for Supreme Court Rules as well.	Steven L. Dalle Mura Director of Legal Research Administrative Office Third Floor 100 North Ninth St. Richmond, VA 23219 sdallemura@courts.state.va.us	CAIS: http://www.courts.state.va.us/PILOT/ Supreme Court Rules: http://leg1.state.va.us/000/srs.htm
WA	Under Washington statute, electronic access is available via a subscription to the Justice Information System (JIS) service. The JIS was recently made available on the Internet, and the Appellate Court Record and Data System (ACORD) will soon be added to the JIS.	Brian Backus Manager of Web Support Department Administrative Office of the Courts 1206 Quince St. SE P.O. Box 41170 Olympia, WA 98504-1170 Phone: 360-705-5320 brian.backus@courts.wa.gov Katherine Kuriyama Data Dissemination Administrator Administrative Office of the Courts 1206 Quince St. SE P.O. Box 41170 Olympia, WA 98504-1170 Phone: 360-704-4029 katherine.kuriyama@courts.wa.gov	JIS-Link: http://www.courts.wa.gov/jislink/
WV	West Virginia Supreme Court of Appeals opinions, and docket and calendar information are available online free of charge. Featured, high profile case information is also available.	Administrative Office of the Courts Capitol Complex Building 1, Room E-100 Charleston, WV 25305-0830 Phone: 304-558-0145	Supreme Court of Appeals: http://www.state.wv.us/wvsc/default.htm
WI	In Wisconsin, all unrestricted cases--excluding juvenile, mental, paternity, and adoption cases--are available on the Internet via Circuit Court Access. The Municipal Court of Milwaukee also offers users electronic access to case information There is also a searchable database for the Wisconsin Supreme Court and the Court of Appeals.	Circuit Court Access: WccaFeedback@courts.state.wi.us Staff and District Court Administrators Director of State Courts Office 16E Capitol Bldg. P.O. Box 1688 Madison, WI 53701-1688 Phone: 608-266-6828 Supreme Court and Court of Appeals: wscga@courts.state.wi.us Milwaukee Municipal Court Information System: Milwaukee Municipal Court 951 North James Lovell Street Milwaukee, WI 53233 Phone: 414-286-3800 Fax: 414-286-3615	Circuit Court Access: http://ccap.courts.state.wi.us/internetcourtaaccess/ Milwaukee Municipal Court Information System: http://www.ci.mil.wi.us/citygov/court/ Wisconsin Supreme Court and the Court of Appeals: http://www.courts.state.wi.us/wscga/
WY	In Wyoming, the Teton County Clerk web site offers users free, electronic access to court records dating from 1996 to the present. Supreme Court Opinions, oral argument schedules and Court Rules are also online. The Wyoming Judicial Technology Task Force is currently working on improving public access and developing statewide standards.	Holly Hansen Court Administrator Wyoming Supreme Court 2301 Capitol Avenue Cheyenne, WY 82002 Phone: 307-777-7480 hhansen@courts.state.wy.us	Teton County: http://www.tetonwyo.org/cc/nav/100031.shtm Supreme Court: http://courts.state.wy.us/supreme_court.htm Wyoming Judicial Technology Task Force: http://courts.state.wy.us/jtff/jtffindex.htm

*In a multi-state initiative, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) commissioned a Joint Court Management Committee to develop recommended policies and procedures for state courts to use when addressing issues of privacy and public access to court records. The committee is seeking comments on the project which has been titled, "Developing a Model Written Policy for Access to Electronic Court Records."

Media Issues for Judges to Consider in Noteworthy Trials

1. Increasingly, you are likely to hear a case that has drawn the interest of the local media, and that will require a new set of challenges for you — balancing the First Amendment rights of the press against the Sixth Amendment rights of the defendant for a fair trial.
2. In any given trial, you may be forced to consider issues raised by a third party to the case — the public, through requests for access from the media.
3. In considering whether to seal documents or other evidentiary material at the request of either the plaintiff or defendant or both, anticipate a collateral challenge from the local media for access to that information.
4. If you issue a gag order, assume the information will leak to the media. You then need to determine whether it is in the best interests of justice to pursue the source of the leak.
5. If a reporter is subpoenaed regarding the source of the information published or aired, assume the reporter will not divulge the information under any circumstances.
6. Do not be surprised if a threat of contempt of court for refusing to divulge the source of information or turn over notes or outtakes fails to persuade a reporter. For most reporters, going to jail or paying a fine in defense of their work raises the esteem they obtain from their peers.
7. Know that journalists do have a code of ethics, and most do their best to adhere to them. However, because of the First Amendment, such a code can never be a mandatory one with enforceable disciplinary rules.
8. Assume that the reporter sent to cover a trial has not had the specific training or background to understand fully what transpires in a case. To the extent you are concerned about accurate reporting of the proceedings, you may want to devise a method of assisting the reporter to comprehend what he or she is to report on without your direct involvement or violating ethical rules.
9. Your written opinions should be such that a reporter can obtain a copy and understand your ruling in a way that the reporter can then write about it for the public.
10. Remember what the judge said in the A&E drama “100 Centre Street:” “The press is a pain in the ass, but (under our system) it is a necessary pain in the ass.”

Unofficial Judicial Checklists When Dealing with Media Issues During a Trial

Pre-Trial Gag Orders

1. Who is seeking the gag order and what is the motivation?
2. Has the press shown sufficient interest in the case so far as to be likely to raise a First Amendment challenge?
3. Would the information not gagged be highly prejudicial to the trial's fairness?
4. Is the gag order the only way to prevent a Sixth Amendment violation?
5. Are there alternative measures available short of a gag order?
6. If an order is issued, it must be specific and the least restrictive possible. (Note: these orders rarely survive appeal the Supreme Court to date has overturned every order that it has reviewed.)

Trial Gag Orders

1. Who is seeking the gag order and what is the motivation?
2. Has the press shown sufficient interest in the case so far as to be likely to raise a First Amendment challenge?
3. Would the information not gagged be highly prejudicial to the trial's fairness?
4. Is the gag order the only way to prevent a Sixth Amendment violation?
5. Are there alternative measures available short of a gag order?
6. Is a change of venue or a continuance more appropriate?

Gag Order Requirements

1. The order must be based on a clearly articulated finding of fact.
2. The order must come after an evidentiary hearing at which all of the interested parties, including the media, have had an opportunity to be heard.
3. The order must be narrowly drawn to address a particular problem, which, if not addressed poses a substantial likelihood of materially prejudicing the trial.
4. Alternative avenues for eliminating the prejudice are unavailable.

Change of Venue

1. Who is seeking the change of venue and what is the motivation?
2. Has the media exposure been so great that it prevents a defendant from having a fair trial in this locale?
3. Has the press shown sufficient interest in the case so far as to be likely to raise a First Amendment challenge?
4. Is the gag order the only way to prevent a Sixth Amendment violation?
5. Are there alternative measures available short of a gag order?
6. Is a change of venue or a continuance more appropriate?

Closing the Courtroom

1. Who is seeking the closing what is the motivation?
2. Has the press shown sufficient interest in the case so far as to be likely to raise a First Amendment challenge?
3. Would not closing the court cause immediate and irreparable damage to the defendant's fair trial right?
4. Are there no other alternative methods to protect such rights, such as a change of venue?
5. Would the closure be effective?

Circumstances Justifying Closure

1. To protect the confidentiality of an undercover agent or information if a factual showing by the state justifies closure.
2. To protect a witness from intimidation and to maintain the fairness and orderliness of proceedings upon ascertaining the sincerity of the witness.
3. To prevent the improper conduct of the spectators from having a negative impact on the witness.
4. To safeguard witnesses from the presence of particular people who might place unnecessary pressures upon or seriously affect or intimidate witness testimony.
5. To protect a sexual assault victim when that victim is a minor.

Steps Required in Closing a Courtroom

1. The party seeking the close a portion of a criminal trial must advance an overriding interest that is likely to be prejudiced by an open courtroom.
2. The closure must be no broader than necessary to project that interest.
3. The trial court must consider reasonable alternatives to closing the proceedings.
4. The trial court must make findings adequate to support the closure.

Rationale for Presumption of Openness of Trial

1. Public trials enhance public confidence in the fair trial process
2. Public attendance operates as a check on abuses of the judicial system
3. Public knowledge of the process promotes the truth-finding function
4. Publicity helps achieve a community catharsis following serious crimes.

Civil Trials — Test on Closure

1. Is there an overriding interest that supports closure?
2. Is there a substantial probability that the interest will be prejudiced absent closure?
3. Are there not less restrictive means of achieving that overriding interest?

Open Records

1. The media may not be prohibited from publishing any record that is open to the public.
2. The media has a First Amendment right to discovery material that has not been filed with the court in a pending case.
3. Juror information and lists may fall outside of First Amendment availability on a case-by-case basis.
4. Information filed with the court regarding minors may fall outside of First Amendment availability when the minors' privacy rights outweigh the public's right to know.

Sealing of Documents Filed With the Court

1. Who is seeking the sealing of the documents and what is the motivation?
2. Has the press shown sufficient interest in the case so far as to be likely to raise a First Amendment challenge?
3. Would the information not sealed be highly prejudicial to the trial's fairness?
4. Are trade secrets or other economic competitive interests at stake such as to seriously harm a party to the case?
5. Are there any issues of threats to public safety, which, if the information is sealed, would continue to pose a risk to the public?
6. Do the potential of risks to a party to the case, if information is not sealed, outweigh potential risks to the public if the information is sealed?
7. Are there alternative measures available short of sealing the information?

Dealing With Journalist Ordered to Disclose Source or Produce Notes as Evidence

1. Is there a state "Shield Law" that protects the journalist?
2. Is there an exception to the state's "Shield Law" that obligates the journalist to comply?
3. Are there other means of obtaining the information?
4. Is the information sought critical to the case?
5. What penalty are you prepared to impose for journalist's noncompliance?
6. Given that most journalists accept jail time for non-disclosure as their personal fight for the First Amendment (thus heightening the esteem in the eyes of their colleagues), how long a jail term are you willing to impose for contempt of court?
7. If you opt to fine the publication, radio or TV station or the journalist, how high a fine will hold up on appeal?
8. Are you prepared for the likely blitz of media criticism from the press for your decision to hold the journalist in contempt?

Dealing With the Media

For Court Managers/Administrators

These are suggested procedures for court managers/administrators to follow when the media call or arrive unannounced.

- Get as much information as possible about what the reporter/producer is doing and wants
 - Are they doing a story? If so, what is the story about?
 - What is their deadline?
 - Do they want to interview someone for their story?
 - Do they want data, statistics or other information?
 - Are they trying to confirm information they already have?
 - Do they want a camera crew to get pictures of a court function, facility or work area?
 - Do they want a photograph of a judge?
 - Are they new on the beat and just want to get acquainted with court management, judges and the territory?
- If it's a fairly straight forward request, such as wanting to get a photograph or TV footage of the filing window, or statistical information on number of filings, try to accommodate*
- If the subject matter is controversial or potentially sensitive, such as a married judge who's had a bit much to drink, getting involved in an accident, jumping out of his car and leaving the scene -- and a fatally wounded female passenger, who, it turns out, isn't his wife -- notify your presiding judge and discuss how the press calls will be handled
 - Don't refuse to comment
 - Do provide official factual information (in the case of his honor -- after being sure that it indeed was one of your judges (it might be a case of mistaken identity, or someone else driving the judge's car) -- provide official biographical information. While you might not give the press what they want, you can at least give them something.)
- Coordinate communications with the agency that provides courthouse security on information regarding bomb threats and evacuations, in-custody defendant escape attempts, courthouse shootings and other security or law enforcement matters
- If the press contact involves a pending case (cases are pending until all appeals are exhausted), provide only procedural information, such as the date of the next court proceeding, the names of attorneys, copies of minute orders and case filings, etc. Don't explain what the moving papers mean or describe what happened in court. That's doing the reporters' jobs for them and interpreting and can cause problems.
- Some reporters ask the same questions of or try to confirm the information with multiple sources. It is important that everyone in your court who might be contacted be on the same page.
- Establish in advance an understanding or policy with supervisors and employees about who will speak for the court and what, if anything, they should say to the media

* If the request is to photograph or get TV footage of the filing window or other public area in the courthouse, see suggested procedures to follow when the media ask for television camera access to public service areas of a Court facility.

Dealing With the Media

For Court Supervisors

These are suggested procedures for court supervisors to follow when the media call or arrive unannounced.

- Notify the court manager or administrator of the call
- If no prearranged policy or understanding regarding media contacts has been established, determine who will return the call - the supervisor, court manager/administrator or other appropriate person
- The person who returns the call should get a brief explanation of what the caller is calling about:
 - Are they doing a story? If so, what is the story about?
 - Do they want to interview someone for their story?
 - Do they want data, statistics or other information?
 - Are they trying to confirm information?
 - Do they want a camera crew to get pictures of a court function, facility or work area?
- If you have the information and feel comfortable providing it, and it doesn't conflict with policy, do so
- If you don't have the information, tell the caller you will get it and call them back -- then do so
- If you are unsure about dealing with the call or whether you should be providing the information, let the court manager know
- Some reporters ask the same questions of or try to confirm information with multiple sources. It is important that everyone in your court who might be contacted be on the same page

For Court Employees

These are suggested procedures for court employees to follow when the media call or arrive unannounced.

- Get the person's name, news organization and telephone number (if it's a telephone call)
- Tell a caller someone will return the call as soon as possible, and an unannounced arrival that someone will be with him/her as soon as possible
- Refer the call to a supervisor or other appropriate spokesperson or notify your supervisor immediately about the unannounced arrival

Dealing With the Media

Television Camera Access to Public Service Areas

These are suggested procedures to follow when the media ask for television camera access to public service areas of a Court facility.

- Determine specifically what the requester wants to videotape
- Ask what the focus of the story is
- Determine if the request is for news or entertainment/commercial purposes (Court and County policies for Los Angeles County differ for news and for movie, TV show and commercial shoots)
- Find out if the television coverage is for a visual only that is to be voiced over, or if sound is also to be recorded
- Do not commit the court until you have obtained the time, date, and estimate of time needed to do the video taping
- Find out the answers to the following questions:
 - Does your court require giving members of the public in or entering a public service area being photographed or filmed an opportunity to avoid being on camera?
 - Do employees who work in the area know they have a right to decline to be on camera or to have their voices recorded?
 - Do requesters understand that court employees must consent to be on camera and have the right to decline to be on camera or to have their voices recorded?
- Lack of resources or undue disruption of service can be cause for denying the request, but it's better to try to work something out, unless the nature of the request or the media's conduct is unreasonable.

Two points to keep in mind:

1. The Court wants to make reasonable efforts to accommodate the media, but managers have the right to deny such requests if they impact significantly on Court resources or on the Court's ability to serve the public
2. Keep the supervising judge informed about all media requests and the status of those requests

Dealing With the Media

Media Videotaping, Filming Request

1. Name and address of news organization.
2. Name and telephone number of person making the request.
3. Specify exactly what is to be videotaped.
4. Give a brief description of the story.
5. Is the request for video and audio, or for video only, which will be voiced over?
6. Desired dates and time for the videotaping.
7. Approximate time needed to complete the videotaping.

Please note:

Court employees have the right to decline to be on camera or to have their voices recorded.

Members of the public have the right to decline to be on camera or to have their voices recorded. If the videotaping is to occur in a public service area of the courthouse, the Court must advise members of the public entering the area that a camera is present.

20 Commandments of Media Relations

1. If you don't want it published or broadcast, don't say it.
2. Get your point across in 15 seconds.
3. Don't say "no comment."
4. Don't make flip statements.
5. Don't be misled by "off the record."
6. Don't express your opinion.
7. Don't be hostile or confrontational with the media.
8. Do convey the impression that you are trying to help.
9. Define, don't defend.
10. Think visuals for television interviews or press conferences.
11. Make sure your organization has a media relations policy.
12. Avoid the appearance of covering up.
13. Tape record interviews.
14. Be aware of photographers and camera crews--they may be shooting.
15. The interview isn't really over until the media drive away.
16. Don't try to fill dead air. Reporters know silence is uncomfortable.
17. Be conscious of deadlines.
18. Avoid tabloid (print and broadcast) interviews.
19. If you have to release bad news, do so after the evening news.
20. If you're expecting a media blitz, prepare.

PUBLIC OUTREACH – AFFIRMATIVELY INVOLVING THE MEDIA



The Quick Solution

Okay, so you have developed an effective public outreach program and you want to get the word out. How do you begin?

While this is primarily directed to the judge or court personnel who will handle the publicity details him or herself, you should first consider whether an option exists that would relieve you of the details altogether. Do you already know someone in media relations who already has the skills and could do this for you? If not, this might be a way for you to begin to cultivate a relationship with such a skilled media specialist?

Remember, the general public, despite the lawyer jokes, still retains a very high respect for the legal system. And that respect is even higher for judges and the courts. Yet most people outside the legal profession find system mysterious and, therefore, they remain distant from it. This holds true for members of the media as well. Unless, one is a legal affairs reporter who has grown comfortable with the courts, most reporters feel awkward in such unfamiliar territory.

And yet all of these people would be highly interested and even flattered if a judge were to call for advice and assistance on a media issue. Most would be eager to help – if only because the judiciary remains a highly influential segment of the community and people like to be affiliated with power and influence.

So the question becomes whether the judge knows a public relations specialist. If the court already has one, then this project simply is assigned to that person. If the court doesn't have an information officer, there might be a media relations specialist for some other branch of the government who, if asked, would agree to handle these duties as a favor.

If there is no government media specialist, there probably are media relations specialists for other institutions – schools, charitable groups or even public relations companies – who, if asked by the judge, would be honored to donate their services to assist the court in promoting the your public outreach program. Especially if the project has an emotional appeal for the community, such as trying to help to prevent youths from the problems of drinking, there is a good likelihood that a professional would want to assist, if only for the positive image for him or her that is transferred by affiliation with the project. In other words, such pro bono efforts are good for business. The only thing the court needs to be wary of is to not ask help from an individual or firm that could have the appearance of a conflict of interest or otherwise run afoul of the ethical restrictions on judges.

Assuming you have to handle these publicity matters yourself, the rest of this section is designed to give you the basics on how to handle those responsibilities.

Approach the Media with the Right Perspective

Before getting into the mechanics of providing the media with the information about your program, you first need to know a little about the culture and values of the people in the media you are trying to persuade to assist you in publicizing the event.

First, they are fiercely independent. They don't want to be used to advance someone's personal or hidden agenda. They reject being told what they have to do, especially by those who do not work inside their profession. By analogy, it is like the know-it all client who tries to tell the lawyer or judge not only what they think should be done, but how to do it. The natural reaction is: Who's the expert here? If you have all the answers, why are you coming to me?

Second, they are highly skeptical. There probably isn't a day for them that doesn't include someone trying to get them to write or air something. And most of the requests don't really rise to the level of newsworthiness. So they have become skillful at saying, "no."

Third, writers and editors, for the overwhelming large part, are serious, dedicated and competent professionals who are convinced that the role of the press is one of public service – keeping the citizenry informed about developments in their community that they need to know about. They reject the concept that they are simply there to generate ad revenue, much like lawyers react badly when they encounter someone who accuses the legal profession of solely working for their own pecuniary interests.

Now, given these three factors, any attempt to get the media to cover your event should be tailored to address those three basic concepts.

First, never make a demand of the media. Acknowledge that the decision whether to publicize and how is strictly in their ballpark. Instead, couch your approach as one of seeking assistance. Enlist their help in what you hope they will agree is a worthwhile effort the public needs to know about.

Second, be certain that avoid the always fatal mistake of pitching story as designed to give someone or some group praise for doing something good. You can almost see the journalists' eyeballs roll when they hear, "I think you should do a story on this because JR put a lot of work into this and he deserves some credit." Lots of people in the community daily do good things. There is not enough space or airtime to include them all, and the media does not see itself as the community's cheerleader. Rather, make certain your appeal is keenly focused on how why this program is important in attacking a societal problem and how the public benefits from it. Any good journalist knows the story is not complete unless the public is also told who is doing the program so credit for the effort will naturally follow as a collateral part of the story – which brings us to point three.

Third, framing the appeal in terms of societal benefit inherently requires you to look at the program in terms of public service. What is there about what we are doing that would make a journalist agree that this should be included in the news menu for the day?

What is News, Anyhow?

When you approach the media with information you want them to help you publicize, it is helpful to think in terms of what the media considers newsworthy. In that regard, please **refer back to Page 6.** When a reporter calls for information, he or she is approaching you from the elements on Page 6 as to what is considered newsworthy. Similarly, when you want to induce a journalist to consider your information, you should analyze what you have to offer in terms of what the reporter would want. Often that means starting from a negative, i.e., a societal or legal problem, and attempting to shift the reporter's news focus to how the problem is being addressed or solved.

How Best to Reach the Media?

As with so many other facets of life, there are many approaches to persuading the media to adopt your story – some more effective than others. The following is presented in descending order of effectiveness.

1. Develop your goals, plan of action and your research first.

One of the first questions a publicist faces is whether to treat all media as equal and simply throw the information out via press release or to provide exclusives to select media. Some of this will be determined by the existing relationships, if any, between the court and the local media. If the court already has a good relationship with a variety of media, you might opt for a press conference where a press release is distributed to all. If there is no strong relationship or if there is one or a few reporters who have developed a relationship with the court, you might seek to provide the information to them exclusively. Providing such exclusives tends to insure some coverage because the selected media can break from the pack. With blanket announcements to all, you are left in a position of hoping the media will take the ball and run with it.

Assuming you opt to work only selected media, the question shifts to which media you want to accept the story. You first have to determine what your media goal is. If broad horizontal exposure, emphasize television. If a more expansive and deeper vertical understanding exposure, focus on the newspaper. Or, ideally, carve the overall program up into segments that can be offered to both.

Keep in mind the obvious. Television is a visual medium and time on the newscast is precious. You won't get the depth of coverage in the minute or so that TV will devote to your program. So you need to do two things – decide what has the greatest visual impact in your program and what are the most salient facts the on-air reporter can present briefly either as a follow-up to the visuals or as a voice-over during the visuals.

Print media, however, provides the opportunity to get more detailed information, both as to the extent of the problem and how your program is designed to help remedy the problem. Again, however, you need to lay out succinctly the most intriguing aspects of the program to induce the reporter or editor to buy into publicizing it.

In that regard, knowing what visual still photos or graphics are effective ahead of time can assist the journalist in making the decision to go with the story. Similarly, a cogent summary of the factual extent of the problem locally is appealing. Local research already provided is a big assist to the press.

2. Personal Relationships, Personal Contact Works Best.

After you have done your research and have your program sufficiently mapped out with commitments from those who have agreed to participate, your best approach is the direct contact. News judgment, story assignment and selection are like so many other choices we make in our work. Often these choices are based on personal relationships. This involves networking sometimes. To the extent a judge knows a local legal affairs reporter or an even an editor and feels comfortable discussing matters in general, the judge is in a position to suggest the story personally and soliciting the journalist's assistance. Most reporters and editors would be pleased to get a call from a judge who is requesting a meeting to explain the program. Let's face it. Judges so rarely invite media attention that such a call in and of itself would make a journalist sit up and take notice.

If you don't have a strong relationship with anyone in the working media, a public outreach program is a good place to begin such a relationship. Of course, judges need to be wary. While most reporters can be trusted, there are those who can't. You probably know some judges or lawyers or friends who have established a positive relationship with some reporter or editor. If you trust their judgment about the trustworthiness of a given reporter, these people might help open that door for you to meet with the reporter so you can explain what you have in mind for your program.

One final thought about personal relationships and contact. The new media is like any other organization. There is a chain of command and a pecking order for influence. To the extent that you can develop a positive relationship with an editor – the higher up, the better – you not only stand a greater chance of getting the story assigned, but you have an appeal process if you think the reporter assigned is not giving it his or her best effort.

3. The Media Advisory

Assuming you prefer not to offer an exclusive to select media, one way to inform all of the media at the same time is through the media advisory. This is a one-page information sheet that answers the basics of good journalism – who, what, when, where, why and how. The media advisory is sent to all media, you simply wait – and hope – for a response from the media. The media advisory should offer interview possibilities with the lead participants at your event. The advisory not only should explain how to set up the interview but indicate why such an interview is newsworthy.

In the course of any given day, an editor will receive many such media advisories. Most are promptly thrown away because there is no compelling newsworthiness to the advisory. Most are sent by public relations firms. Many editors receive so many such advisories from the same PR firm that they simply toss them away unopened. So any media advisory that is sent on the court's official judicial letterhead probably will keep it from immediately being ashcanned. You probably will get the editor to at least scan it for potential newsworthiness.

See Media Advisory Sample

4. The Press Release

As is the case with Media Advisories, press releases are standard but often ignored because of the volume received each day at the newspaper, television or radio station. Therefore, follow these steps.

- a. Address the release to a specific editor or news director by name, not title only.
- b. Avoid the generic; localize the material. Statistics, quotes and local experiences are what the editors are looking for.
- c. Provide contact information prominently so interested reporters can follow up with ease.
- d. Follow up yourself with a call to the recipient of the press release to gauge the level of interest or, if there is no interest, getting a second bite at the apple.

The press release is your own news story, written as if ready for print. Most print media, if they use the news release, will give it to a reporter for the basics and instruct the reporter to follow up and rewrite the story. Few publications run canned material for the obvious reason – if a reader sees the same story written in two different papers verbatim, the credibility of both publications suffer.

However, especially in small-town weekly newspapers, where the staff generally is limited to one person – the editor – the press release will be used exactly as sent due to time and production constraints.

NOTE: When you consider the media you want to reach in your area, there is a tendency to focus strictly on the large, major media. While these will reach your bigger audiences, you should not ignore the smaller publications or radio stations. Often, you will have a better chance of getting your information published or aired and the cumulative effect of reach many smaller media can be advantageous because these smaller publications do have strong and loyal customers. And because many of them do not rely on syndicated wire services, they will grant your more space or air time to tell your story more fully.

See Press Release Sample

5. The Video News Release

One of the more effective, but costly, approaches is the video news release. This is the visual equivalent of the press release. Essentially, this amounts to creating your own news spot for the 6 o'clock news. However, while you provide the essentials of the newscast, you provide the spaces for the local reporter to do the voice-over or otherwise supply local information.

These are expensive because you not only need to write the script, but provide the cameraperson and edit the videotape into a usable newscast. However, if you can do this, many TV newsrooms will use them because time is of the essence for the editors each day. Any time they can modify an existing newscast and recraft it into their own, they are interested.

As is the case with other media approaches, you might enlist outside help to create the video news release. Look for media assistance where you can find it. Journalism instructors and students value real work and projects over practice sessions. Options include:

- High school, community college or college journalism courses;
- Radio and television courses;
- Volunteer public relations people at law firms, businesses or organizations.
- Actual reporters or editors with whom you have a positive relationship

6. Think Visual!

One final thought. Focus on visuals. We live in a highly visual age. Have graphics, charts, illustrations or photos available for the print media. Making the journalist's job easier can help facilitate the publishing of the story. And, as alluded to before, this is critical for the electronic media. If you can provide a video news release that the local reporter merely has to embellish upon or point them to exciting footage potential in your program, these will be appreciated.

When You Want to Get Information Out

1. Press releases are standard but often ignored because of the volume received each day at the newspaper, television or radio station. Therefore, follow these steps:
 - a. Address the release to a specific editor or news director by name, not title only.
 - b. Avoid the generic; localize the material. Statistics, quotes and local experiences are what the editors are looking for.
 - c. Provide contact information prominently so interested reporters can follow up with ease.
 - d. Follow up yourself with a call to the recipient of the press release to gauge the level of interest or, if there is no interest, getting a second bite at the apple.
2. Follow the press release with a media advisory that offers interview possibilities with the lead participants at your event. The advisory not only should explain how to set up the interview but indicate why such an interview is newsworthy.
3. News judgment and story assignment or selection is like so many other choices we make in our work. Often these choices are based on personal relationships. This involves networking sometimes. To the extent a judge knows a reporter or an editor and feels comfortable discussing matters in general, the judge is in a position to suggest the story personally and soliciting the journalist's assistance.
4. Focus on visuals. We live in a highly visual age. Have graphics, charts, illustrations or photos available for the print media. Making the journalist's job easier can help facilitate the publishing of the story. The same is true for the electronic media. If you can provide a video news release that the local reporter merely has to embellish upon, these will be appreciated.
5. Determine what your media goal is. If broad horizontal exposure, emphasize television. If more expansive and deeper vertical understanding exposure, focus on the newspaper.
6. Look for media assistance where you can find it. Journalism instructors and students value real work and projects over practice sessions. Options include:
 - High school, community college or college journalism courses;
 - Radio and television courses;
 - Volunteer public relations people at law firms, businesses or organizations.
 - Actual reporters or editors with whom you have a positive relationship.
7. Do not ignore the smaller, minor media such as weekly newspapers, law firm or organization newsletters, local web sites or your own court's web site.
8. Emphasize public service — the court's and the media's — to develop the affinity with the media and enlisting their cooperation.

Sample Media Advisory

(Based on outreach program to address teenage drinking and driving)

JUDICIAL LETTERHEAD

MEDIA ADVISORY

Alcoholism expert to speak at Judicial Program on Underage Drinking

- WHO:** *Dr. Jonas Garvey, Director of National Commission on Drunk Driving, author of “High Way Robbery — The Theft of Lives by Drunks on the Road,” and CNN special analyst.*
- WHAT:** Featured speaker at the new “Courage to Live” program, originated by the Washoe County Judiciary.
- WHEN:** 10:30 a.m., Friday, November 2, 2001.
- WHERE:** Reno Middle School, 117 Main Street, Reno, Nevada
- WHY:** Washoe County has witnessed a dramatic upsurge in the use of alcohol and drugs by young people under the age of 21 that has resulted in a significant increase in traffic fatalities and incidents of violence. The county’s judges have organized to create a program to reach out to young people to encourage them to avoid making harmful and reckless choices with regard to alcohol and drugs. Dr. Garvey’s powerful presentation has won acclaim nationwide and has been brought in to the Washoe County Program to assist.
- HOW:** Dr. Garvey is available for personal interviews while he is in town for the program. His depth of knowledge in this field and his provocative and colorful style have made him an intriguing source for media that wishes to put the spotlight on a critical social problem and provide public service by helping to find remedies for the problem.

FOR FURTHER INFORMATION OR TO SET UP AN INTERVIEW

Contact: Name, telephone number, fax and e-mail.

Sample Press Release

(Based on outreach program to address teenage drinking and driving)

JUDICIAL LETTERHEAD

For immediate release

Contact: Name

.....
.....
.....
..... Phone Number

Fax

E-mail

Judges Add New Weapon to Combat Underage Drinking — Prevention

Judges know all too well how broad and deep are the harmful ramifications of underage drinking in Washoe County. After all, they have to deal with the legal consequences when drunk driving or violence is involved. And for the county, the numbers are sobering. In 2001, 73 drivers between ages 16 and 20 were involved in personal injury accidents that involved alcohol, 23 of which were fatal. That is up from 56 five years ago.

Now, however, the judges are trying to attack the problem early, before it gets to the remedial stage. A new program entitled “Courage to Live” will bring judges and other experts together to help young people become more acutely aware of just how catastrophic their lives can become if they opt to take drugs and alcohol. The two-day program is scheduled at Middle school Thursday and Friday.

“It just breaks my heart,” says Judge Janet Berry, “when I see so many lives ruined or severely damaged because of hasty choices made without thoughtful reflection. Without exception, these devastated kids would give anything to go back in time and refuse the drink if they could. But by the time they appear before me, it’s too late.

“I just felt I needed to try to do something to keep that kid from having to show up in my court to answer for the harm caused by his or her reckless and illegal use of drunks or alcohol.”

“Courage to Live” relies heavily on the same kind of peer pressure that usually prompts young people to use drugs or alcohol to begin with. While the program will present the factual data of the harm caused, its chief aim is to galvanize the students themselves to take the lead in their schools to counter drug and alcohol use. The students will develop their own action plans that they think will work in their schools.

The judges will share with actual cases they have dealt with involving drugs and alcohol. Victims of alcohol-related traffic accidents also will relate their experiences and the problems they faced. And to drive home the point, the students will actually witness a real court hearing where defendants convicted of driving while intoxicated are sentenced. About 180 students from the seventh and eighth grades are expected to attend.

Judge Berry, who organized the new program, said that the success will be determined by thorough post-program follow-up that will focus on the student projects implemented by the teams formed at the program.

“We won’t know for certain how well this program is accepted for a few years, when these students reach age 16 and get their drivers’ licenses. If the number of accidents and incidents of harm from drugs and alcohol begin to go down, then we will know we’re on the right track.”

“Courage to Live” was created by The National Judicial College under the sponsorship of the National Highway Transportation Safety Administration.

Checklist

1. If you are acquainted with a media relations professional or other sources, ask them to volunteer to assist you so the main effort can be handed off.
2. Approach the Media with the Right Perspective – show them respect as professionals to get better results.
3. Offer the media what is truly “newsworthy” in your program.
4. Develop your goals, plan of action and your research first.
5. Establish personal relationships and contact with reporters.
6. Decide whether a news release or a simple media advisory works best.
7. Use visual aids – videos, graphics, photos, charts
8. Avoid legal terms when being interviewed by the press.
9. Always be honest with the reporter and never mislead.
10. Respect reporters’ deadlines and respond promptly to inquiries
11. Answer all questions in terms of how the public is affected, not how you or your program is to be promoted.
12. Be mindful that how you look on TV is more important than what you say for the majority of viewers.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612-1507
(913) 296-2256

Bill of Rights Legal Technicalities

Following is a form letter that is used by the Kansas court public information officer in his campaign to eliminate the term “legal technicality” from the media. Whenever the term rears its ugly head (as in defendant X was let off on a “legal technicality”), the following letter is prepared and mailed together with the attachment. The letter attempts to keep it friendly, while making an important point for the journalist.

<Name of Reporter>
<Name of Organization>
<Street Address>
<City, Zip Code>

Dear <Name of Reporter,>

I read (or saw) your story on *State v. Smith*, and appreciate your interest in covering the court system. I did note that you described the court’s decision as based on a “legal technicality.” Several years ago, former Kansas Chief Justice David Prager assembled the complete list of “legal technicalities” and urged me to send a copy to anyone who might appreciate the complete set.

In the *Smith* proceeding, I would point out that the particular “technicalities” involved were Numbers Four and Six and that the “technicality” that makes your job possible is Number One on the list!

Seriously, I have been a reader (viewer, listener) of your reporting for some time and commend you for much good work. Meanwhile, should you ever need further explanation regarding a Kansas court story, feel free to call on me.

Technically yours,

Ron Keefover
Education-Information Officer

encl

Bill of Rights Legal Technicalities -- Constitution of the United States

First Amendment.

Freedom of religion, speech, and press.

Second Amendment.

Right to bear arms.

Third Amendment.

Quartering soldiers in houses.

Fourth Amendment.

Searches and seizures.

- (1) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.
- (2) No warrants shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the persons to be searched or the things to be seized.

Fifth Amendment.

Criminal prosecutions; due process of law; eminent domain.

- (1) No person shall be subject to be twice put in jeopardy for the same offense.
- (2) No person shall be compelled in any criminal case to be a witness against himself.
- (3) No person shall be deprived of life, liberty, or property, without due process of law.
- (4) No property shall be taken for public use, without just compensation.

Sixth Amendment.

Further guaranties in criminal cases.

- (1) The accused shall enjoy the right to a speedy and public trial.
- (2) The accused shall be entitled to trial by an impartial jury of the state where the crime was committed.
- (3) The accused shall have the right to be informed of the nature and cause of the accusation against him.
- (4) The accused shall have the right to be confronted with the witnesses against him.
- (5) The accused shall have the right to compulsory process for obtaining witnesses in his favor.
- (6) The accused shall have the right of assistance of counsel for his defense.

Seventh Amendment.

Trial by jury in civil cases.

Eighth Amendment.

Bail and punishment.

- (1) Excessive bail shall not be required.
- (2) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

Ninth Amendment.

The enumeration in the constitution of certain rights shall not be construed to deny other rights retained by the people.

Tenth Amendment.

Powers not delegated to the United States are reserved to the states or to the people.